

CITY OF DALLAS, TEXAS

CODE OF ORDINANCES

VOLUME I

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Charter

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Dallas City Charter

(10) Printed Charter of 1899 with amendments down to and including 1905.

(11) Charter of 1907.

(A) Type of government: Commission form, mayor and four commissioners for term of two years.

(B) Power to levy tax not exceeding 1-1/2 per centum of assessed value provided, can levy an additional tax of one percent or any fraction thereof if authorized by a majority of the voters.

(C) Power to levy school tax--one-fourth of one percent.

(D) President and six members of school board elected biennially.

~~(12) Council-manager form of government; 1907 Charter with amendments up to and including 1927 was amended in 1931 to set up council-manager form of government. The Charter amendments of 1945, 1947, 1949, 1952, 1956, 1965, 1968, 1973, 1976, 1981, 1983, 1985, 1989 (portions precleared by the United States Justice Department), 1993, 1997, 2001, 2005, and 2014 are also included herein.~~

(12) Council-manager form of government; 1907 Charter with amendments up to and including 1927 was amended in 1931 to set up council-manager form of government. The Charter amendments of 1945, 1947, 1949, 1952, 1956, 1965, 1968, 1973, 1976, 1981, 1983, 1985, 1989 (portions precleared by the United States Justice Department), 1993, 1997, 2001, 2005, 2014, and 2024 are also included herein.

PREAMBLE

We, the people of the City of Dallas, under the constitution and laws of the state of Texas, establish this preamble in order to secure the benefits of local self-government and set forth the guiding principles for our city. We affirm the values of our city as an equitable democracy, comprised of representatives that act to make our city fair, equitable, just, and safe for all those who reside within it.
(Amend. of 11-5-24)

CHAPTER I. INCORPORATION AND TERRITORY

SEC. 1. CORPORATION NAME.

All inhabitants of the City of Dallas, Dallas County, Texas, as the boundaries and limits of said city are herein established or may hereafter be established, shall be a body politic, incorporated under, and to be known by, the name and style of the "City of Dallas," with such powers, rights and duties as herein provided.

SEC. 2. BOUNDARIES.

The bounds and limits of the City of Dallas shall be those as established and described in ordinances duly passed by the city council of the City of Dallas in accordance with state law. The city secretary shall at all times keep a correct and complete description with recent annexations or disannexations. (Amend. of 6-12-73, Prop. No. 1; Amend. of 4-2-83, Prop. No. 3)

SEC. 3. ADDITIONAL TERRITORY.

The city may from time to time alter its boundaries by annexing or disannexing any territory adjoining its present or future boundaries in any size or shape desired in any manner provided by state law. (Amend. of 11-8-05, Prop. No. 12)

CHAPTER II. POWERS OF CITY

SEC. 1. POWERS OF THE CITY.

The City of Dallas, as such body politic and corporate, shall have perpetual succession and shall have the following powers:

- (1) To use a corporate seal.
- (2) To sue and be sued.
- (3) To implead and be impleaded in all courts.
- (4) To institute and prosecute suits without giving security therefor, and to appeal from judgments of the courts without giving supersedeas or cost bonds, other bonds or security.
- (5) To contract and be contracted with.
- (6) To acquire property within or without its boundaries or within the boundaries of other municipalities for any public purpose, in fee simple or lesser interest or estate, by purchase, gift, devise, lease, or condemnation; to sell, rent, lease, hold, manage, and control any property now owned by it or that it hereafter may acquire; and to construct, own, lease, operate, and regulate public utilities.
- (7) To assess, levy, and collect taxes for general and special purposes on all lawful subjects of taxation.
- (8) To borrow money on the faith and credit of the city by the issue or sale of bonds, warrants, or notes of the city.
- (9) To appropriate the money of the city for all lawful purposes.
- (10) To create, provide for, construct, regulate, and maintain public works and public improvements of any nature.

CHAPTER III. CITY COUNCIL

SEC. 1. COMPOSITION OF CITY COUNCIL.

Except as otherwise provided by this Charter, all powers conferred on the city shall be exercised by a city council to be composed of 15 members, nominated and elected in the manner hereinafter provided unless otherwise provided by law. One member of the city council, Place 15, shall be elected by the qualified voters of the entire city and 14 members by the qualified voters residing in a particular district, Places 1 through 14 respectively, as provided in Chapter IV of this Charter. Members of council, Places 1 through 14, shall each be elected for a term of two years and member of council, Place 15, shall be elected for a term of four years. The city council members so elected shall take office on the first Monday following the 30th calendar day after the final canvass of the general election, and they shall serve until their respective successors have been elected and qualified. (Amend. of 4-3-76, Prop. No. 1; Amend. of 8-12-89, Prop. No. 1; Amend. of 5-1-93, Prop. No. 1; Amend. of 5-3-97, Prop. No. 7; Amend. of 11-8-05, Prop. No. 6)

SEC. 2. MAYOR'S ELECTION AND DUTIES.

(a) The person elected as member of council, Place 15, shall be the presiding officer of the city council and the mayor of the City of Dallas. The mayor shall have a vote on all matters coming before the city council, other than confirmation of appointments by the mayor, unless otherwise disqualified, but no power to veto. The mayor shall be the official head of the city government.

(b) In addition to the mayor's other duties, the mayor shall ensure that annual reports are made as to the state of the city, its financial condition, its accomplishments, and its plan and needs for the future. (Amend. of 4-3-76, Prop. No. 2; Amend. of 8-12-89, Prop. No. 1)

SEC. 3. COUNCIL QUALIFICATIONS.

~~Each member of the city council shall, in addition to the other qualifications prescribed by law, be at the date of election a qualified voter of the city, and shall not be in arrears in the payment of any taxes or other liabilities due the city.~~

Each member of the city council shall, in addition to the other qualifications prescribed by law, be at the date of election a qualified voter of the city, and shall not be in arrears in the payment of liabilities due the city related to holding office. (Amend. of 11-8-05, Prop. No. 13; Amend. of 11-5-24)

SEC. 3A. LIMITATION OF TERMS.

~~(a) A person who has served as a member of the city council other than Place 15 for four consecutive two-year terms shall not again be eligible to become a candidate for, or to serve in, any place on the city council except Place 15 until at least one term has elapsed.~~

~~(b) A person who has served two consecutive terms as a member of the city council, Place 15, shall not again be eligible to become a candidate for, or to serve in, Place 15 on the city council until at least one term for Place 15 has elapsed.~~

(a) A person who has served as a member of the city council other than Place 15 for four two-year terms shall not again be eligible to become a candidate for, or to serve in, any place on the city council except Place 15.

(b) A person who has served two terms as a member of the city council, Place 15, shall not again be eligible to become a candidate for, or to serve in, Place 15 on the city council.

(c) A "term" as used in Subsection (a) shall include any period of service during a city council term when that period is in excess of one year, including a term from which the member resigned.

(d) For the purpose of limiting terms under Subsection (b), a term includes a period of time less than four years when the period of service by a mayor during a term is in excess of 731 days. (Amend. of 1-17-81, Prop. No. 2; Amend. of 8-12-89, Prop. No. 1; Amend. of 11-5-24)

**SEC. 4. COMPENSATION OF THE MEMBERS
OF THE CITY COUNCIL.**

~~—(a) Effective October 1, 2001, each member of the city council, other than the mayor, shall receive as compensation for services the sum of \$37,500 for each year (prorated for partial years) that the member serves on the city council. The mayor shall receive as compensation for services the sum of \$60,000 for each~~

year (prorated for partial years) served as mayor on the city council. *[Note: This version of subsection (a) is effective until the swearing in of city council members in June 2015.]*

— (a) Effective upon the swearing in of city council members in June 2015, each member of the city council, other than the mayor, shall receive as compensation for services the sum of \$60,000 for each year (prorated for partial years) that the member serves on the city council. The mayor shall receive as compensation for services the sum of \$60,000 for each year (prorated for partial years) served as mayor on the city council. *[Note: This version of subsection (a) is effective upon the swearing in of city council members in June 2015 and until the swearing in as mayor of an individual who did not hold the office of mayor on November 4, 2014.]*

— (a) Effective upon the swearing in of city council members in June 2015, each member of the city council, other than the mayor, shall receive as compensation for services the sum of \$60,000 for each year (prorated for partial years) that the member serves on the city council. Effective upon the swearing in as mayor of an individual who did not hold the office of mayor on November 4, 2014, the mayor shall receive as compensation for services the sum of \$80,000 for each year (prorated for partial years) served as mayor on the city council. *[Note: This version of subsection (a) is effective upon the swearing in as mayor of an individual who did not hold the office of mayor on November 4, 2014.]*

— (b) For purposes of this section, a “year” means a 12-consecutive-month period.

— (c) The compensation provided for in Subsection (a) will be paid on a biweekly basis.

— (d) In addition to receiving the compensation provided for in Subsection (a), all necessary expenses incurred by members of the city council in the performance of their duties will be paid by the city, when authorized by the city council.

— (e) If any city council member, including the mayor, misses more than 10 percent of the total number of regular meetings held by the city council during any compensation year, then the city council member’s compensation provided for under Subsection (a) for that year will be reduced proportionately by the percentage of meetings missed. For purposes of this subsection, regular meetings include both those held by the full city council and those held by the standing city council committees on which a member serves. Meetings missed by a city council member while he or she is on the official business of the city council and at the direction of the city council will not be counted towards the percentage of missed meetings for which compensation reduction is required under this subsection, but will be counted as though the member had attended the meetings that are missed while so engaged in city business.

(a) Effective October 1, 2001, each member of the city council, other than the mayor, shall receive a salary in the sum of \$37,500 for each year (prorated for partial years) that the member serves on the city council. The mayor shall receive a salary in the sum of \$60,000 for each year (prorated for partial years) served as mayor on the city council. *[Note: This version of subsection (a) is effective until the swearing in of city council members in June 2015.]*

(a) Effective upon the swearing in of city council members in June 2015, each member of the city council, other than the mayor, shall receive a salary in the sum of \$60,000 for each year (prorated for partial years) that the member serves on the city council. The mayor shall receive a salary in the sum of \$60,000 for each year (prorated for partial years) served as mayor on the city council. *[Note: This version of subsection (a) is effective upon the swearing in of city council members in June 2015 and until the swearing in as mayor of an individual who did not hold the office of mayor on November 4, 2014.]*

(b) For purposes of this section, a “year” means a 12-consecutive-month period.

(c) The salary provided for in Subsection (a) will be paid on a biweekly basis.

(d) In addition to receiving the salary provided for in Subsection (a), all necessary expenses incurred by members of the city council in the performance of their duties will be paid by the city, when authorized

by the city council. The mayor and each member of the city council may also receive benefits for elected officials as permitted by state and federal law and adopted by city council through resolution or ordinance.

(e) If any city council member, including the mayor, misses more than 10 percent of the total number of regular meetings held by the city council during any salary year, then the city council member's salary provided for under Subsection (a) for that year will be reduced proportionately by the percentage of meetings missed. For purposes of this subsection, regular meetings include both those held by the full city council and those held by the standing city council committees on which a member serves. Meetings missed by a city council member while he or she is on the official business of the city council and at the direction of the city council will not be counted towards the percentage of missed meetings for which salary reduction is required under this subsection, but will be counted as though the member had attended the meetings that are missed while so engaged in city business. (Amend. of 5-5-01, Prop. No. 1; Amend. of 11-4-14, Prop. No. 8; Amend. of 11-5-24)

**SEC. 5. VACANCIES IN THE CITY COUNCIL;
HOW FILLED.**

(a) If a vacancy occurs on the city council, the vacancy must be filled at a special election for that purpose unless a general election that would fill the vacant place is scheduled to occur within 120 days after the vacancy occurred. As soon as practicable after the occurrence of the vacancy, the city council shall call a special election to be held at the next authorized election date that is at least 60 days after the date of the occurrence of the vacancy.

(b) A person selected to fill a vacancy on the city council shall serve only until the next general city election for that place.

(c) If a candidate duly elected to the city council at the general election fails to take the oath of office on or before 10 days after the beginning of the term, then that place will be considered a vacancy and filled as provided in this section for other vacancies. If a candidate elected to the city council at a special election fails to take the oath of office on or before 10

days after the official canvass of the election, then that place will be considered a vacancy and filled as provided in this section for other vacancies.

(d) In the event of the death or disability of all members of the city council for any reason, such that the city council is unable to call an election to fill vacancies on the city council, the city attorney is authorized to institute an action on behalf of the city in the district court of Dallas County, Texas to obtain an appropriate order declaring an emergency and calling a special election to fill the city council vacancies. If state law provides for the manner and method of calling such an election, then state law shall be followed in lieu of the instituting of court action by the city attorney. (Amend. of 4-3-76, Prop. No. 2; Amend. of 8-12-89, Prop. No. 1; Amend. of 5-1-93, Prop. No. 6; Amend. of 11-8-05, Prop. No. 4)

SEC. 6. REGULAR MEETINGS.

(a) On the day the members of the city council take office, they shall meet at the building designated as the official city hall, and thereafter all regular meetings of the city council must be held in the city hall building in such locations and at such times as may be prescribed by ordinance, resolution, or lawfully-posted notice.

(b) For purposes of this Charter, a regular meeting of the city council means a meeting of the full city council at which city council members vote or are briefed on matters of interest to the city. (Amend. of 6-12-73, Prop. No. 5; Amend. of 8-12-89, Prop. No. 5; Amend. of 5-1-93, Prop. No. 5; Amend. of 11-4-14, Prop. No. 9)

SEC. 7. SPECIAL MEETINGS.

Special meetings shall be called by the city secretary upon the written request of the mayor, the city manager or three members of the council. Any such notice shall state the subject to be considered at the

special meeting and may provide for the taking up of any other matters presented at such meeting.

SEC. 8. OPEN MEETINGS; SPEAKERS.

(a) All official meetings of the city council and of all city council committees must be open to the public as provided by state law. Those meetings involving an attorney and client relationship, or other matters authorized by law to be deliberated in closed session, need not be open to the public.

~~(b) The city council shall adopt rules of procedure that provide reasonable opportunity for citizens to be heard by the city council.~~

(b) The city council shall adopt rules of procedure that provide reasonable opportunity for people to be heard by the city council. (Amend. of 5-1-93, Prop. No. 5; Amend. of 11-5-24)

SEC. 9. CITY COUNCIL QUORUM.

A quorum shall consist of nine members, except when the number of city council members, due to vacancies, is reduced to less than nine, in which event a quorum shall consist of all of the remaining city council members; but a less number than a quorum may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. (Amend. of 8-12-89, Prop. No. 1)

SEC. 10. COUNCIL VOTE.

No member shall be excused from voting except on matters involving the consideration of his or her own official conduct, where required by law, or where his or her financial interests are involved, and in these instances, the member shall not vote. The council shall determine its own rules of procedure, and may punish its members for misconduct, and may compel the attendance of absent members. (Amend. of 11-8-05, Prop. No. 13; Amend. of 11-4-14, Prop. No. 9)

SEC. 11. ELECTION AND DUTIES OF THE MAYOR PRO TEM AND DEPUTY MAYOR PRO TEM.

The city council shall elect one of its members as mayor pro tem, who shall perform a specific duty of the mayor if the mayor is unable to discharge that specific duty, and who shall, during that time, be vested with all the powers belonging to the mayor to perform that specific duty. The council shall also elect one of its members as deputy mayor pro tem to act if both the mayor and the mayor pro tem are unable to discharge a specific duty and to exercise the powers of the mayor to perform that specific duty. (Amend. of 11-8-05, Prop. No. 13; Amend. of 11-4-14, Prop. No. 9)

SEC. 12. CITY COUNCIL MAY SUMMON WITNESSES, ETC.

The city council shall have power to summon and compel the attendance of witnesses and the production of books and papers before it whenever it may be necessary for the more effective discharge of its duties, and shall have the power to punish for contempt before it with the same fines and penalties as the county judge may punish for contempt before the county court. All process shall be signed by the mayor and attested by the city secretary and shall be served by the chief of police or any police officer of the said city.

The mayor, city secretary or any member of the city council shall have authority to administer oaths in any matter pertaining to municipal affairs.

SEC. 13. POLICY-MAKING PROCEDURES AND OVERSIGHT RESPONSIBILITIES.

~~— (a) In the performance of the powers of government, it is the duty of the mayor and the city council to make suitable provision for the assurance of adequate and appropriate prior review and consideration of official actions to be taken by the city council, and to assure that a high performance level of services to the citizens is maintained, responsiveness to the people is provided, and accountability in municipal government is assured. To this end, the city council shall:~~

(a) In the performance of the powers of government, it is the duty of the mayor and the city

council to make suitable provision for the assurance of adequate and appropriate prior review and consideration of official actions to be taken by the city council, and to assure that a high performance level of services to the residents is maintained, responsiveness to the people is provided, and accountability in municipal government is assured. To this end, the city council shall:

(1) adopt rules of procedure governing the conduct of city council meetings and the introduction, consideration, and method of review of actions to be considered by the city council, consistent with the city manager's authority to present directly to the entire city council the city manager's operational agenda;

(2) create a standing finance committee of the city council charged with the responsibility for financial and audit oversight of the operations of city government;

(3) establish such additional standing committees and their duties as the city council determines is appropriate; and

(4) establish the process by which the committees shall conduct their business and review matters for city council consideration, consistent with the city manager's authority to present directly to the entire city council the city manager's operational agenda.

(b) The mayor shall appoint the members and chairs of all city council committees, and it shall be the duty of each member of the city council to serve and to participate on each committee to which the member is appointed. The mayor shall have the power to remove and reassign members to and from the various city council committees. (Amend. of 8-12-89, Prop. No. 2; Amend. of 11-5-24)

SEC. 14. PROFESSIONAL AND ADMINISTRATIVE ASSISTANTS TO MAYOR AND COUNCIL.

The city manager shall provide professional and administrative assistants to aid the council in the performance of its official duties. Assistants to individual council members shall be selected by the respective council members from a pool of applicants

SEC. 19. INDEPENDENT AUDIT.

~~—The city council shall cause the annual financial statements and related records and accounts of the city to be audited annually by a firm registered with the Texas State Board of Public Accountancy as a firm practicing public accountancy. The auditor shall be selected by the city council, and shall be responsible to the council. The report of such auditor and the financial statements and related audit opinion for the fiscal year shall be printed and a copy shall be furnished to each city council member and the city manager, and a copy shall be kept available in the office of the city secretary for inspection by any citizen upon request. A summary of the annual financial statements and the audit report shall also be published once in a newspaper of general circulation in the city. The original report of the auditor or auditors shall be kept among the permanent records of the city.~~

The city council shall cause the annual financial statements and related records and accounts of the city to be audited annually by a firm registered with the Texas State Board of Public Accountancy as a firm practicing public accountancy. The auditor shall be selected by the city council and shall be responsible to the council. The report of such auditor and the financial statements and related audit opinion for the fiscal year shall be printed and a copy shall be furnished to each city council member and the city manager, and a copy shall be kept available in the office of the city secretary for inspection by any person upon request. The original report of the auditor or auditors shall be kept among the permanent records of the city. (Amend. of 6-12-73, Prop. No. 9; Amend. of 11-8-05, Prop. Nos. 11 and 13; Amend. of 11-4-14, Prop. No. 9; Amend. of 11-5-24)

SEC. 20. CITY TREASURER AND SELECTION OF CITY DEPOSITORY.

(a) The person designated by the city manager as the chief financial officer of the city shall serve as the city treasurer, who shall have the custody of all the public moneys, funds, notes, bonds, and other securities belonging to the city. The chief financial officer shall give such bond as the council may require, conditioned on the faithful discharge of his or her duties, and the premium of such bond shall be paid by the city. In addition to such bond, the city shall, in accordance with state law, require designated city depositories to hypothecate securities in such amount as it shall

prescribe.

(b) The city council shall, in accordance with state law, select and designate a depository for the moneys and funds of the city. The city council may at any time, in accordance with state law, select and designate more than one depository. The chief financial officer shall be responsible for administering the contract with the depository. The depository shall receive and securely keep all moneys belonging to the city and make all payments from the same upon orders signed by the city manager and countersigned by the chief financial officer, after authorization of the city council. All monies received by any person, department, or agency of the city for or in connection with the affairs of the city shall be deposited promptly in a commercially reasonable manner in city depositories. The chief financial officer shall ensure that a full and correct statement of receipts and payments is provided to the city manager and the city council, at such times as the city manager or city council may require and in such form as the city manager may prescribe. The chief financial officer shall perform such other acts and duties as the city manager may prescribe. (Amend. of 4-2-83, Prop. No. 6; Amend. of 4-6-85, Prop. No. 1; Amend. of 11-8-05, Prop. Nos. 8 and 13; Amend. of 11-4-14, Prop. No. 9)

CHAPTER IIIA. CITY SECRETARY

(Added by Amend. of 4-3-76, Prop. No. 3)

SEC. 1. APPOINTMENT; REMOVAL; COMPENSATION.

The city council shall appoint a city secretary who shall serve for a period of two years from the date of appointment or until a successor is appointed and qualified, unless sooner discharged by the council. The city secretary shall be a resident of the City of Dallas. If at the time of appointment, the city secretary resides outside the City of Dallas, then he or she shall move into the city within a time period required by the city council. The city secretary shall be appointed by a majority vote of all of the members of the city council and shall not be discharged during his or her term of office except upon a majority vote of all of the members of the council. The city secretary shall receive

SEC. 2. ASSISTANTS AND EMPLOYEES.

~~—The city council shall provide the city secretary with such assistants as it may deem necessary, and they shall receive such compensation as may be fixed by the council. Any such assistant may be discharged at any time by the city secretary. All powers and duties imposed on the city secretary may be exercised and performed by any assistant under the city secretary's direction.~~

The city council shall provide the city secretary with such assistants and employees as it may deem necessary, and they shall receive such compensation as may be fixed by the council. Any such assistant or employee may be discharged at any time by the city secretary. All powers and duties imposed on the city secretary may be exercised and performed by any assistant or employee under the city secretary's direction. (Amend. of 11-8-05, Prop. Nos. 2 and 13; Amend. of 11-5-24)

SEC. 3. DUTIES OF THE CITY SECRETARY.

The city secretary shall:

(1) attend all meetings of the city council and keep accurate records of all actions taken by the city council;

(2) oversee a records management program for the city that provides for the identification, maintenance, retention, security, electronic storage, microfilming, disposition, and preservation of city records and appoint a city records management officer to administer the program;

(3) operate the city's archives and records storage facility for the storage of inactive city records until such time as those records may be disposed of and identify, preserve, and serve as custodian of the city's historical records;

(4) inspect or direct the city records management officer to inspect the city records and report to the city council and the city manager any irregularities or failures of the city to create, identify, or maintain records in accordance with requirements assigned by law;

(5) administer oaths;

(6) attest contracts, assessment certificates, and other legal instruments when executed by the authorized officers of the city;

(7) serve as the election official for all city elections; and

(8) perform such other duties as may be required of the city secretary by this Charter, the city council, or state law. (Amend. of 5-1-93, Prop. No. 9)

CHAPTER IV. ELECTIONS AND REFERENDUMS**SEC. 1. HOLDING OF MUNICIPAL ELECTIONS.**

All municipal elections shall be held under the provisions of this Charter unless the laws of the State of Texas applicable to city elections require otherwise. (Amend. of 4-3-76, Prop. No. 10)

SEC. 2. QUALIFICATIONS OF VOTERS.

(a) All qualified electors of the state who reside within the city shall have the right to vote in all city elections.

(b) In this Charter, the terms "qualified voter," "registered voter," "qualified elector," and "registered elector" are synonymous and may be used interchangeably. (Amend. of 4-3-76, Prop. No. 10; Amend. of 4-2-83, Prop. No. 4; Amend. of 5-1-93, Prop. No. 6)

SEC. 3. GENERAL ELECTION.

~~—No primary election shall be held for the selection of nominees to the city council unless specifically~~

~~required by state law. General elections for the purpose of electing members of the city council shall be held on the first authorized election date after March 1 of each odd-numbered year. If state law does not restrict election dates, the city council shall by ordinance establish an election date in May of odd-numbered years. The members elected shall compose the city council of the City of Dallas and shall serve~~

for the terms provided in Chapter III of this Charter, or until their respective successors shall have been elected, qualified, and taken office.

No primary election shall be held for the selection of nominees to the city council unless specifically required by state law. General elections for the purpose of electing members of the city council shall be held according to state law. If state law does not restrict election dates, the city council shall by resolution or ordinance establish an election date on a uniform election date in odd-numbered years. The members elected shall compose the city council of the City of Dallas and shall serve for the terms provided in Chapter III of this Charter, or until their respective successors shall have been elected, qualified, and taken office. (Amend. of 4-2-83, Prop. No. 4; Amend. of 8-12-89, Prop. No. 1; Amend. of 5-3-97, Prop. No. 7; Amend. of 11-8-05, Prop. No. 6; Amend. of 11-5-24)

SEC. 4. ELECTION OF CITY COUNCIL MEMBERS.

All qualified voters of the city shall be entitled to vote for a candidate in Place 15. The qualified voters of the respective districts shall be entitled to vote for one candidate from Place 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, or 14, corresponding to the district of which the voter is a resident. (Amend. of 4-3-76, Prop. No. 1; Amend. of 8-12-89, Prop. No. 1; Amend. of 5-1-93, Prop. No. 1)

SEC. 5. DISTRICTS AND REDISTRICTING.

(a) The city shall be divided into 14 districts, known as Districts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14.

(b) Redistricting commission.

(1) Not later than 30 days after the city council is briefed on the federal decennial census taken in the prior year, each member of the city council shall appoint one member of the redistricting commission. The mayor shall designate the chair of the redistricting commission, subject to confirmation by a majority of the city council. In making such appointments, the city council and the mayor shall, as nearly as may be practicable, provide fair and balanced representation of all geographical areas of the city in the redistricting process and provide a total membership that reflects

the racial and ethnic makeup of the city's population. Members of the redistricting commission shall be appointed to serve a term that will end upon completion of the redistricting commission's work.

~~—————(2) Persons appointed to the redistricting commission must be registered to vote and meet the qualifications for service on a city commission. A member of the city council is not eligible for appointment to the redistricting commission. A member of the redistricting commission is not eligible to be a candidate for a place on the city council in the next succeeding general election of the city, and may not be appointed or elected to the city council or to any other official board or commission of the city for a period of one year after service on the redistricting commission.~~

(2) Persons appointed to the redistricting commission must meet the qualifications for service on a city commission. A member of the redistricting commission is not eligible to be a candidate for a place on the city council in the next succeeding general election of the city, and may not be appointed or elected to the city council or to any other official board or commission of the city for a period of one year after service on the redistricting commission. The following persons are not eligible to serve on the redistricting commission:

(A) a current member of the city council or the spouse of a current member of the city council or any family member within the third degree of consanguinity or affinity;

(B) a person or the spouse of a person who has been appointed to or elected to any elective federal, state, county, or city office during the three years before the appointment date;

(C) the campaign manager, treasurer, or staff member of any candidate for federal, state, county, or city elected office during the five years before the appointment date;

(D) a registered lobbyist or spouse of a lobbyist registered with the city, county, state, or federal government;

(E) a person or spouse of a person who works for the city or who works with or for any current member of the city council;

(F) a person or spouse of a person who has a contractual relationship with the city, has had a contractual relationship with the city within three years before the date of appointment, has a contractual relationship with any current member of the city council or the spouse of a current city council member; or has had a contractual relationship with any current member of the city council or the spouse of a current city council member within three years before the date of appointment (this paragraph does not apply to non-negotiated, form contracts for general city services or benefits if the city services or benefits are made available to the person or spouse on the same terms that they are made available to the general public); or

(G) a person who, in accordance with this charter, city ordinances, or written city policy, is ineligible for appointment to a city board or commission.

(3) The redistricting commission shall draw the districts in compliance with the following guidelines:

(A) The districts shall be substantially equal in population according to the total population count as presented in the census data, except where deviation is required to comply with federal law or is allowable by law.

(B) In addition to the requirements of federal law, there shall be no discrimination on the basis of race, color, or membership in a language minority group, and the voting strength of racial, ethnic, and language minorities in the districts shall not be diluted to deprive minority voters of an equal opportunity to elect a candidate of their choice.

(C) The districts shall be geographically compact, to the extent possible, and composed of contiguous territory.

(D) The reconfiguration of districts shall be neutral as to incumbents or potential candidates.

(E) Communities of interest shall be placed in a single district and attempts should be made to avoid splitting neighborhoods, where possible without violating the other requirements.

(F) The redistricting commission may adopt any other requirements of federal or state law.

(4) The redistricting commission shall promptly convene in such sessions as are necessary,

including public hearings, to develop, prepare, and recommend a districting plan that proposes the respective boundaries of the various districts comprising the city council under this Charter.

(5) City council members may not have contact, directly or indirectly, with a redistricting commission member, or with redistricting commission staff, with respect to redistricting, except by testimony in an open meeting. Redistricting commission members may not engage in any discussions, directly or indirectly, regarding redistricting or the work of the redistricting commission with city council members, except during an open meeting or by written communication given to the entire redistricting commission. If a redistricting commission member engages in a prohibited discussion or violates the Texas Open Meetings Act, the redistricting commission may, by majority vote, remove the commissioner from the redistricting commission.

(6) Upon completion of its work, the redistricting commission shall file its recommended districting plan with the mayor. The mayor shall present the recommended plan to the city council at its next meeting. The city council shall adopt the plan as submitted or shall modify and adopt the plan, in either case within 45 days of receipt by the mayor. Any modification or change to the plan must be made in open session at a city council meeting, with a written explanation of the need for the modification or change and a copy of the proposed map with the modification or change made available to the public 72 hours before a vote, and the proposed plan must be approved by a vote of three-fourths of the members of the city council. If final action is not taken by the city council within 45 days after the plan was presented to the mayor, then the recommended plan of the redistricting commission will become the final districting plan for the city.

(7) The districting plan developed in accordance with this section must be implemented at the next general election of the city council conducted at least 90 days following the date the final districting plan becomes effective for the city. (Amend. of 8-12-89, Prop. Nos. 1 and 4; Amend. of 5-1-93, Prop. No. 1;

Amend. of 11-8-05, Prop. No. 7; Amend. of 11-4-14, Prop. No. 6; Amend. of 11-5-24)

SEC. 6. CANDIDATE'S RESIDENCE.

~~—(a) No person shall be eligible as a candidate for member of council, Place 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, or 14, unless the person is at the time a bona fide resident of District 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, or 14, respectively, and has resided within the district in which the person is a candidate for a period of at least six months prior to the date of the election. Any person elected to a place representing a district must continuously reside in the district during that person's term of office. A candidate for member of council, Place 15, may be a resident of any portion of the city, must have resided in the city for a period of at least six months prior to the date of the election, and must continuously reside within the city during the person's term of office.~~

(a) No person shall be eligible as a candidate for member of council, Place 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, or 14, unless the person is at the time a bona fide resident of District 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, or 14, respectively, has resided continuously in Texas for 12 months, and has resided within the district in which the person is a candidate for a period of at least six months prior to the date of the regular filing deadline for a candidate's application for a place on the ballot. Any person elected to a place representing a district must continuously reside in the district during that person's term of office. A candidate for member of council, Place 15, may be a resident of any portion of the city, must have resided continuously in the city for a period of at least six months and continuously in Texas for 12 months prior to the date of the regular filing deadline for a candidate's application for a place on the ballot, and must continuously reside within the city during the person's term of office.

(b) If the district in which a person will have resided for at least six months prior to the date of an election will change because of the relocation of a district boundary, the person is eligible to become a candidate:

(1) for the new district assigned to the person's residence; or

(2) for the previous district of the person's residence if the person moves to a residence within the revised boundaries of that district prior to becoming a candidate for election.

~~—(c) No person may appear on the official ballot as a candidate for a place on the city council unless:~~

~~———(1) that person files with the city secretary a signed, sworn, and dated affidavit certifying compliance with the residency requirements of this section, except that a sworn application for a place on the ballot filed with the city secretary in accordance with the Texas Election Code will satisfy the requirements of this paragraph; and~~

~~(2) the city secretary is reasonably able to verify the truth of the affidavit of residency.~~

(c) No person may appear on the official ballot as a candidate for a place on the city council unless that person files with the city secretary a signed, sworn, and dated affidavit certifying compliance with the residency requirements of this section, except that a sworn application for a place on the ballot filed with the city secretary in accordance with the Texas Election Code will satisfy the requirements of this paragraph. (Amend. of 4-3-76, Prop. No. 1; Amend. of 8-12-89, Prop. No. 1; Amend. of 5-1-93, Prop. No. 1; Amend. of 11-5-24)

SEC. 7. NOMINATION BY PETITION.

A person desiring to become a candidate for the city council shall file with the city secretary, within the time required by the Texas Election Code, as amended, an application for a place on the ballot and a petition signed by qualified voters of the city eligible to vote for the candidate equal in number to the minimum number of signatures required for a candidate petition by the Texas Election Code, as amended. Each application and petition must comply in form, content, and procedure with the Texas Election Code, as amended. (Amend. of 6-12-73, Prop. No. 11; Amend. of 4-2-83, Prop. No. 2; Amend. of 8-12-89, Prop. No. 1; Amend. of 5-1-93, Prop. No. 6)

SEC. 8. DESIGNATION ON OFFICIAL BALLOT.

The places on the official ballot shall be designated as "Member of Council, Place No. ___" designating the place numbers for which the voters in each district are eligible to vote, with Place 15 designated as mayor and being the first in order and the others being in numerical order, and the candidate's name shall appear in the place for which the candidate's petition and application were filed. The city secretary shall make up the official ballot from the names presented to the city secretary in the manner required by this Charter. The order in which the names of the candidates for each place must appear on the ballot will be determined by lot, in a drawing held under the supervision of the city secretary. (Amend. of 4-3-76, Prop. No. 1; Amend. of 8-12-89, Prop. No. 1; Amend. of 5-1-93, Prop. No. 6)

SEC. 9. CANVASS OF ELECTION.

The city council shall canvass and certify the results of any general or special election in accordance with the Texas Election Code, as amended. (Amend. of 8-12-89, Prop. No. 5; Amend. of 5-1-93, Prop. No. 6)

SEC. 10. CANDIDATES ELECTED.

The candidate in the election receiving a majority of all of the votes cast for the position of city council member for the place for which the candidate ran, shall be declared elected. (Amend. of 8-12-89, Prop. No. 5)

SEC. 11. RUNOFF ELECTIONS.

If no candidate for a particular office receives a majority of the votes cast for all candidates for that office in the first election, a runoff election for that office is required. Candidates in the runoff election will be listed on the ballot in the order of their standing in the first election. If two candidates tie in the number of votes received in the first election, they shall cast lots to determine the order in which their names will be listed on the runoff ballot. The runoff election will be conducted in accordance with the Texas Election Code, as amended. (Amend. of 4-2-83, Prop. No. 4; Amend. of 8-12-89, Prop. No. 5; Amend. of 5-1-93, Prop. No. 6)

SEC. 12. PETITION REQUIREMENTS.

(a) To be valid, a petition submitted for the purpose of complying with an election process must comply with the Texas Election Code, as amended.

(b) Every person circulating a petition or page of a petition, other than a petition to place a candidate's name on the ballot, shall file with the city secretary an affidavit containing the person's name and address and a statement that:

- (1) the person circulated the petition;
- (2) the purpose was explained to each signer;

(3) each signer freely provided all information required;

(4) all statements contained in the petition are true; and

(5) the person witnessed the affixing of each signature on the petition. (Amend. of 4-2-83, Prop. No. 2; Amend. of 5-1-93, Prop. No. 6)

SEC. 13. ~~DISCLOSURE OF CANDIDATE CONTRIBUTIONS RESERVED.~~

~~—(a) The city secretary shall cause to be published, in a newspaper of general circulation or on the city's website, on at least two separate dates (20 and two days, respectively) prior to each election or recall election, a notice disclosing the names and contribution amounts of individuals and political committees making contributions to the campaigns and/or election committees of the candidates for mayor and city council that have been reported to the city secretary prior to the dates of publication.~~

~~—(b) The city secretary shall also cause to be published, in a newspaper of general circulation or on the city's website, a notice disclosing the names and contribution amounts of individuals and political committees making contributions to the campaigns and/or election committees of the candidates for mayor and city council reported to the city secretary following any election or recall election.~~

~~—(c) The city council shall provide sufficient resources to the city secretary to implement the mandate of this section.~~

(Amend. of 11-8-05, Prop. No. 6; Repealed by Amend. of 11-5-24)

CHAPTER V. RECALL OF CITY COUNCIL MEMBERS

SEC. 1. PETITION FOR RECALL OF CITY COUNCIL MEMBERS.

Any member of the city council may be recalled and removed from office by the electors qualified to vote for a successor of the incumbent as provided in this chapter. The procedure to remove members of the city council is as follows:

(1) A petition demanding the recall of the city council member must be filed with the city secretary. The petition must:

(A) be signed by qualified voters entitled to vote for a successor to the member sought to be removed, equal in number to at least 15 percent of the number of voters who, on the date of the last preceding general municipal election, were entitled to vote for the place occupied by the member sought to be removed;

(B) contain a general statement of the grounds for which the removal is sought; and

(C) comply in form, content, and procedure with the provisions of Section 12, Chapter IV of this Charter.

(2) On the day that the petition is first circulated, notice must be given in writing to the city secretary by five registered voters of the city council district from which the member is sought to be removed, and the total signatures required must be secured and the petition filed within 60 days after the city secretary receives the notice.

(3) Within 30 days after the petition is filed, the city secretary shall examine the petition and, from the list of qualified voters, ascertain whether or not the petition is signed by the requisite number of qualified voters. If necessary, the city council shall allow the city secretary extra help, and, in the case of a petition to

administrative judge designated by the city council shall be the administrative head of the judiciary of the city. As such, the administrative judge shall promulgate work rules concerning the administration of the court dockets, the times and places for holding court, equalizing of the case assignments, the vacation schedules, and other administrative details concerned with the judicial performance of the municipal courts, which rules shall be submitted to the city manager and city attorney for comment prior to adoption by the city council. Once adopted, the administrative judge shall be responsible to see that the rules are adhered to by all courts. The administrative judge shall make such reports as may be required by the city council. (Amend. of 6-12-73, Prop. No. 17; Amend. of 4-6-85, Prop. No. 2; Amend. of 11-8-05, Prop. No. 13)

SEC. 4A. REMOVAL OF MUNICIPAL JUDGES.

(a) A full-time or associate municipal judge may be removed from office by a majority vote of all members of the city council if the council determines, after a hearing before the council, that the municipal judge:

(1) does not meet any residency requirements for municipal judges established by city council ordinance; or

(2) does not meet any other qualifications or requirements for municipal judges established by city ordinance, state or federal law, or other applicable law.

(b) A full-time or associate municipal judge shall immediately forfeit his or her place with the city if he or she becomes a candidate for nomination or election to any public office (see Section 17 of Chapter III of this Charter). (Amend. of 11-8-05, Prop. No. 3; Amend. of 11-4-14, Prop. No. 7)

SEC. 5. MUNICIPAL JUDGES; AUTHORITY.

The municipal judges shall have power and authority to administer official oaths and affirmations

and to give certificates thereof, and shall have full power and authority to place persons upon probation, to issue subpoenas, writs of capias, search warrants, executions and all other process known to the law which justice courts are by law authorized to issue in similar cases. (Amend. of 6-12-73, Prop. No. 18)

SEC. 6. ASSOCIATE MUNICIPAL JUDGES.

~~— If, for any cause, any of the municipal judges shall temporarily fail to act, then and in such case the council is hereby authorized to appoint some qualified attorney who shall act in the place and stead of such municipal judge, and who shall have powers and discharge all the duties of said office and shall receive the compensation therefor accruing while so acting. Such temporary judges shall be known as associate municipal judges. Associate municipal judges, during their appointments, shall not represent clients on matters pending in the municipal courts. The appointment of an associate municipal judge shall be by resolution of the city council, filed in the office of the city secretary. In the event of civil emergency, such appointment may be made by the mayor, provided, however, no compensation shall be paid to such judges so appointed unless confirmed by the city council.~~

In May of each fourth year, associate municipal judges shall be appointed by city council. Associate municipal judges will receive their assignment from the administrative judge or the administrative judge's designee. Each associate municipal judge shall be a practicing attorney of good standing. Each associate municipal judge must be a resident of the City of Dallas within four months of appointment. Each associate municipal judge shall hold office for a term that is equal to the length of terms for members of the city council, Places 1 through 14, from the date of appointment or until a successor is appointed and qualified, unless sooner removed by the council. In the event of any vacancy in the office of associate municipal judge by death, resignation, or otherwise, the city council may appoint a qualified attorney to fill the unexpired term as an associate municipal judge. The associate municipal judge is considered a part-time judge and is called upon as needed. (Amend. of 6-12-73, Prop. No. 19; Amend. of 11-8-05, Prop. No. 13; Amend. of 11-5-24)

SEC. 7. COMPENSATION.

the power to perform all things and acts usual and necessary to be performed by clerks of court in issuing process of said courts and conducting the business thereof, and such other duties as may be prescribed by ordinance of the city council. (Amend. of 11-8-05, Prop. No. 3)

SEC. 9. GENERAL LAWS; ACT CUMULATIVE OF.

This chapter is cumulative of any laws that may now or hereafter be passed by the legislature regulating or increasing the jurisdiction of municipal courts in cities of the grade and size of the City of Dallas. (Amend. of 11-8-05, Prop. No. 3)

CHAPTER IX. CITY AUDITOR

SEC. 1. SELECTION OF CITY AUDITOR.

There is hereby created the office of city auditor, which official shall hold office for a period of two years and until a successor shall be chosen and shall qualify. The city auditor must be a person knowledgeable in public administration, public financial and fiscal theory, municipal accounting, and auditing, and must be licensed as a Certified Public Accountant. The city auditor shall be a resident of the City of Dallas. If at the time of appointment, the city auditor resides outside the City of Dallas, then he or she shall move into the city within a time period required by the city council. The city auditor shall be appointed by the city council after being nominated in accordance with a nomination procedure established by ordinance. (Amend. of 4-3-76, Prop. No. 7; Amend. of 8-12-89, Prop. No. 6; Amend. of 11-8-05, Prop. No. 2)

SEC. 2. ASSISTANTS AND EMPLOYEES.

~~The council shall provide the city auditor with such assistants as it may deem necessary, and those assistants shall receive such compensation as may be fixed by the council. Any such assistant may be discharged at any time by the city auditor. All powers and duties imposed on the city auditor may be exercised and performed by any assistant under the city~~

~~auditor's direction.~~

The council shall provide the city auditor with such assistants and employees as it may deem necessary, and those assistants and employees shall receive such compensation as may be fixed by the council. Any such assistant or employee may be discharged at any time by the city auditor. All powers and duties imposed on the city auditor may be exercised and performed by any assistant and employee under the city auditor's direction. (Amend. of 11-8-05, Prop. No. 2; Amend. of 11-5-24)

SEC. 3. DUTIES OF THE CITY AUDITOR.

The city auditor shall have the following duties and responsibilities:

- (1) Conducting financial audits, compliance audits, economy and efficiency audits, special audits, and investigations.
- (2) Conducting, at the direction of the city council or the city council finance committee, an audit or investigation of any entity receiving funds from the city.
- (3) Ensuring the quality and accuracy of information received for business decision-making and for improvement of the processes and controls used to effectively manage city resources.
- (4) Monitoring and evaluating the city's accounting and property records, funds, general accounting system, and records of city officers authorized to receive money or other property belonging to the city.
- (5) Examining the books, accounts, reports, vouchers, and records of city officers, of funds of the city, and of funds for which the city is responsible as trustee.
- (6) Appraising and verifying the accounting accuracy of financial records, statements, and reports, and determining that generally accepted accounting procedures and principles are followed.
- (7) Evaluating the adequacy of the city's accounting system and controls.

(8) Reporting to the city council, the city council finance committee, and the city manager any irregularities or failures to maintain adequate and accurate records.

(9) Making such studies and reports as the city council shall request or approve as to the efficiency, economy, and effectiveness of the programs, projects, or departments, and reporting such data to the city council, the city council finance committee, and the city manager.

(10) Acting, on behalf of the city, as liaison to external auditing agencies that are reviewing or auditing city operations or city programs that may be federally or state funded. (Amend. of 4-3-76, Prop. No. 7; Amend. of 8-12-89, Prop. No. 2; Amend. of 11-8-05, Prop. No. 2)

SEC. 4. SPECIAL AUDIT.

Upon the death, resignation, removal, or expiration of the term of any officer of the city, other than the city auditor, the city auditor shall cause an audit and investigation of the accounts of such officer to be made and shall report to the city manager and the council. Either the council or the city manager may at any time provide for an investigation or audit of the accounts of any officer or department of the city government. In case of the death, resignation, or removal of the city auditor, the city manager shall cause an audit to be made of the city auditor's accounts. If, as a result of any such audit, an officer is found to be indebted to the city, the city auditor, or other person making such audit, shall immediately give notice of such indebtedness to the council, the city manager, and the city attorney, and the city attorney shall, as directed by the city council, proceed to collect such indebtedness. (Amend. of 4-3-76, Prop. No. 7; Amend. of 11-8-05, Prop. No. 13)

CHAPTER IXA. ~~RESERVED~~ OFFICE OF THE INSPECTOR GENERAL

(Added by Amend. of 4-3-76, Prop. No. 7;
Repealed by Amend. of 4-2-83, Prop. No. 6;
Added by Amend. of 11-5-24)

SEC. 1. CREATION OF OFFICE OF THE INSPECTOR GENERAL; APPOINTMENT OF INSPECTOR GENERAL.

(a) There is hereby created an office to be known as the office of the inspector general. The head of this department shall be a competent practicing attorney of recognized ability, a certified inspector general, and shall be known as the inspector general. The inspector general shall serve as an independent investigative authority regarding misconduct involving fraud, corruption, ethics, waste, and abuse. The Code of Ethics and other ordinances should include the provisions necessary to ensure independence of the office of the inspector general.

(b) The inspector general shall be a resident of the City of Dallas. If at the time of appointment, the inspector general resides outside the City of Dallas, then he or she shall move into the city within a time period required by the city council. The inspector general shall be appointed by a majority vote of all the members of the city council and shall serve for a period of two years from the date of appointment and thereafter until a successor is appointed, unless sooner discharged by the council, and the inspector general shall not be discharged during the inspector general's term of office except upon a 2/3 vote of all members of the city council. The inspector general shall receive such compensation as shall be fixed by the council. (Amend. of 11-5-24)

SEC. 2. ASSISTANTS AND EMPLOYEES OF THE OFFICE OF THE INSPECTOR GENERAL.

The inspector general shall have such assistants and employees as shall be provided by ordinance, and they shall receive such compensation as may be fixed by the city council. Any assistant or employee may be discharged at any time by the inspector general. The

inspector general and any assistant inspector general shall devote their entire time to the service of the city. All powers and duties imposed on the inspector general may be exercised and performed by any assistant under the direction of the inspector general. (Amend. of 11-5-24)

SEC. 3. DUTIES OF THE INSPECTOR GENERAL.

The inspector general shall have the following powers and duties:

(1) Supervising and controlling the structure of the office of the inspector general.

(2) Initiating investigations and receiving and investigating complaints and tips regarding misconduct involving ethics, fraud, waste, abuse, and corruption of city officials, city employees, and persons doing business with the city.

(3) Examining the books, accounts, reports, vouchers, financial records, records of the city, documents, and tangible things relevant to the subject matter of an investigation regardless of their form.

(4) Submitting reports summarizing the findings of investigations and reviews completed by the inspector general.

(5) Acting, on behalf of the city, as liaison to law enforcement agencies regarding fraud and corruption investigations initiated by the office of the inspector general.

(6) Presenting ethics complaints regarding alleged or suspected violations of the city's code of ethics before a commission created to make findings concerning the ethical nature of actions and conduct and recommending appropriate sanction.

(7) Doing all things necessary to carry out the functions set forth in this chapter. (Amend. of 11-5-24)

CHAPTER X. ADMINISTRATIVE DEPARTMENTS

SEC. 1. ESTABLISHMENT OF DEPARTMENTS.

The city council shall have the power by ordinance to establish other departments and offices, than those created by charter, and to create divisions or sections within any department, whether established by charter or ordinance. The council may discontinue any department or office established by ordinance and may prescribe, combine, distribute or abolish the functions and duties of departments and offices not inconsistent with this Charter or state law. All such ordinances creating a department or making any changes in the same shall be adopted only after receiving the recommendation of the city manager and by a three-fourths vote of the council.

SEC. 2. DIRECTION.

Except as otherwise provided in the Charter, all departments of the city shall be under the supervision and direction of the city manager, including any department hereafter established by ordinance. The directors of such departments shall be appointed by the city manager, and they shall serve until removed by the city manager, or until a successor has been appointed and qualified. The city manager shall coordinate the work of the various departments in the execution of their duties of office. Subject to the direction and supervision of the city manager, the director of a department shall manage the department. (Amend. of 11-8-05, Prop. No. 13)

SEC. 3. PURCHASE AND SALE OF PERSONAL PROPERTY.

Purchases must be made by the city purchasing agent, or the purchasing agent's designees, who shall make all purchases for the city in the manner provided by ordinance and shall, under such regulations as may be provided by ordinance or by resolution, sell all personal property of the city not needed for public use, or that may have been condemned as useless by a department director. (Amend. of 5-1-93, Prop. No. 4)

SEC. 4. PURCHASING AND FURNISHING OF SUPPLIES.

Before making any purchase or sale, the city purchasing agent shall give opportunity for competition, under such rules and regulations as the city council may establish, subject to the competitive bidding sections of this Charter. Supplies required by departments may be furnished under the control of the purchasing agent or the purchasing agent's designees. (Amend. of 5-1-93, Prop. No. 4)

CHAPTER XI. THE BUDGET AND FINANCIAL PROCEDURE RELATING THERETO

(Renumbered by Amend. of 6-12-73, Prop. No. 43)

SEC. 1. ANNUAL BUDGET ESTIMATE.

~~—The fiscal year of the city shall begin on the first day of October of each year and shall end with the 30th day of September next following. On the 15th day of August of each year the city manager shall submit to the council a budget estimate of the revenue of the city and the expense of conducting the affairs thereof for the ensuing fiscal year. This estimate shall be compiled from information obtained from the several departments, divisions and offices of the city on uniform forms furnished by the city manager. It shall be in accordance with uniform accounting procedures with comparisons to the last two fiscal years and an estimate of the probable income for the period covered with the significant underlying assumptions.~~

The fiscal year of the city shall begin on the first day of October of each year and shall end with the 30th

day of September next following. By the 15th day of August of each year the city manager shall submit to the council a budget estimate of the revenue of the city and the expense of conducting the affairs thereof for the ensuing fiscal year. This estimate shall be compiled from information obtained from the several departments, divisions and offices of the city on uniform forms furnished by the city manager. It shall be in accordance with uniform accounting procedures with comparisons to the last two fiscal years and an estimate of the probable income for the period covered with the significant underlying assumptions. (Amend. of 4-3-76, Prop. No. 8; Amend. of 11-5-24)

SEC. 2. BUDGET ESTIMATES TO BE FURNISHED TO CITY MANAGER BY DEPARTMENTS NOT UNDER CITY MANAGER'S IMMEDIATE DIRECTION.

~~—Every department of the city government not under the direct control of the city manager, except the city auditor, shall furnish to the city manager, for use in the preparation of recommendations to the council regarding the annual budget, a detailed budget estimate of the needs and requirements of such department for the coming year. The city auditor shall furnish a detailed budget estimate of the needs and requirements of the city auditor's office for the coming year directly to the city council, to be approved by the city council, and then consolidated with the city manager's annual budget estimate.~~

Every department of the city government not under the direct control of the city manager, except the city auditor and the inspector general, shall furnish to the city manager, for use in the preparation of recommendations to the council regarding the annual budget, a detailed budget estimate of the needs and requirements of such department for the coming year. The city auditor and the inspector general shall furnish a detailed budget estimate of the needs and requirements of the city auditor's office and the inspector general's office, respectively, for the coming year directly to the city council, to be approved by the city council, and then consolidated with the city manager's annual budget estimate. (Amend. of 11-8-05, Prop. No. 13; Amend. of 11-4-14, Prop. No. 5; Amend. of 11-5-24)

**SEC. 3. ANNUAL APPROPRIATION
ORDINANCE.**

~~—Upon receipt of the city manager’s estimate, the council shall call a public hearing upon the submitted budget to be held before a committee of the council, or before the entire council sitting as a committee of the whole. Following the public hearings, the council shall pass on first reading the appropriation ordinance and shall cause it to be published in a newspaper of general circulation in the city with a separate schedule setting forth the items in the city manager’s estimate that were omitted or changed by the council, if any. The council shall not pass the appropriation ordinance upon final reading until at least 10 days after its publication. Upon passage of the appropriation ordinance by the council, it shall become immediately effective, and the funds appropriated therein become available on October 1, the beginning of the next fiscal year.~~

~~Following the final passage of the appropriation ordinance, the city council shall, by ordinance, levy the taxes for the current year.~~

(a) Upon receipt of the city manager's estimate, the council shall call a public hearing upon the submitted budget to be held before a committee of the council, or before the entire council sitting as a committee of the whole. Following the public hearings, the council shall pass on first reading the appropriation ordinance. Upon passage of the appropriation ordinance by the council, it shall become immediately effective, and the funds appropriated therein become available on October 1, the beginning of the next fiscal year.

(b) Following the final passage of the appropriation ordinance, the city council shall, by ordinance, levy the taxes for the current year. (Amend. of 4-3-76, Prop. No. 8; Amend. of 11-8-05, Prop. No. 11; Amend. of 11-5-24)

SEC. 4. TRANSFER OF APPROPRIATIONS.

Upon the written recommendation of the city manager, the city council may at any time transfer an unencumbered balance of an appropriation made for the use of one department, division, or purpose to any other department, division, or purpose. (Amend. of 5-1-93, Prop. No. 7; Amend. of 11-4-14, Prop. No. 9)

SEC. 5. APPROPRIATION OF EXCESS REVENUE.

If at any time the total accruing revenue of the city shall be in excess of the total estimated income thereof, as set forth in the annual budget estimate in compliance with Section 1 of Chapter XI of this Charter, the council may from time to time appropriate such excess to such uses as will not conflict with any uses for which such revenues specifically accrued. (Amend. of 11-4-14, Prop. No. 9)

SEC. 6. EXPENDITURES ONLY PURSUANT TO APPROPRIATIONS.

No money shall be drawn from the city treasury, nor shall any obligation for the expenditure of money be incurred, except in pursuance of appropriation made by the council and, whenever an appropriation is so

made, the chief financial officer shall forthwith give notice to the city manager. At the close of each fiscal year, the unencumbered balance of each appropriation shall revert to the fund from which it was appropriated and shall be subject to future appropriations, but appropriations may be made in furtherance of improvements or other objects of work of the city that will not be completed within the current year. (Amend. of 11-8-05, Prop. No. 8; Amend. of 11-4-14, Prop. No. 9)

SEC. 7. ACCOUNTS OF APPROPRIATIONS.

Accounts shall be kept for each item of appropriation made by the council and every warrant on the city treasury shall state specifically against which of such items the warrant is drawn. Each account shall show in detail the appropriations made to the account by the council, the amount drawn on the account, the unpaid obligations charged against the account, and the unencumbered balance to the credit of the account. (Amend. of 11-8-05, Prop. No. 8)

SEC. 8. PAYMENT OF OBLIGATIONS.

The chief financial officer shall examine payrolls, bills, and other claims and demands against the city and shall issue no warrant for payment unless the chief financial officer finds that the claim is in proper form, and duly approved; that it is justly and legally due and payable; that an appropriation has been made therefor which has not been exhausted or that the payment has been otherwise legally authorized; and that there is money in the city treasury to make payment. The chief financial officer may investigate any claim and for that purpose may summon any officer, agent or person to be examined by the chief financial officer upon oath or affirmation relative thereto, which oath or affirmation the chief financial officer may administer. If the chief financial officer knowingly or negligently issues a warrant on the treasury authorizing payment of any item for which no appropriation has been made, or for the payment of which there is not a sufficient balance in the proper appropriation, or which is otherwise contrary to law or ordinance, the chief financial officer and the chief financial officer's sureties shall be individually liable to the city for the amount thereof. (Amend. of 4-3-76, Prop. No. 7; Amend. of 4-2-83, Prop. No. 6; Amend. of 8-12-89, Prop. No. 7; Amend. of 11-4-14, Prop. No. 9)

**SEC. 14. USE OF WATER UTILITIES
DEPARTMENT RECEIPTS AND
REVENUES.**

(a) All receipts and revenues from the water utilities department constitute a separate and sacred fund, which may never be diverted or drawn upon for any purposes other than those set forth in this section. The city council may appropriate or pledge all receipts and revenues from the water utilities department:

(1) for acquiring, constructing, repairing, extending, improving, operating, maintaining, and bettering the city's combined water and wastewater utility systems and related plants, properties, mains, facilities, and water supplies;

(2) for paying, discharging, or retiring the indebtedness and obligations of the city that have been or may be incurred for Dallas water utilities department purposes;

(3) for payment for services rendered to the department by other city departments; and

(4) for payment of an amount equal to ad valorem taxes and other charges that would be due the city if the water utilities department were not a city-owned public utility.

(b) All water service or municipal and industrial waste water collection and treatment service rendered by the water utilities department must be paid for by rate schedules as approved by the city council and such state authority as may be required. (Renumbered by Amend. of 6-12-73, Prop. No. 43; Amend. of 5-1-93, Prop. No. 7)

SEC. 15. PRIORITY OF EXCESS REVENUE.

(a) If at any time the total actual, accruing or estimated annual revenue of the city exceeds the total actual annual revenue of the prior fiscal year, city council shall appropriate no less than 50 percent of such excess amount, in compliance with Section 1 of Chapter XI of the Charter, to fund the Dallas Police and Fire Pension System - Combined Plan, in the amount directed by the State Pension Review Board and/or city council, whichever is higher. Any monies remaining shall be appropriated to the public safety objectives

described below in Subsection (b).

(b) Public safety objectives.

(1) The starting combined salary and non-pension benefits, excluding sign-on bonuses, of the police officers of the Dallas Police Department are within the top five of all city police departments (as compared to the starting combined salary and non-pension benefits) in Dallas, Collin, Tarrant, Denton, and Rockwall Counties with a population over 50,000, on a per officer basis; and

(2) The total number of full-time sworn police officers of the police department of the City of Dallas is increased to at least 4,000 and the ratio established of 4,000 officers to Dallas city residents as of the date of the passage of this charter amendment is maintained or increased going forward.

(A) Any monies appropriated to this public safety objective but not spent within the fiscal year shall be transferred to a sinking fund to fund this Public Safety Objective in the subsequent fiscal year.

(c) Any monies remaining after all public safety objectives defined in this section have been met may be reappropriated by city council.

(d) The city, on an annual basis, shall hire a third-party firm to conduct a survey to calculate the starting combined salary and non-pension benefits, excluding sign-on bonuses, of the full-time police officers of all cities in Dallas, Collin, Tarrant, Denton, and Rockwall Counties with a population over 50,000, on a per officer basis, and report the findings to city council. The third-party firm will be required to certify in writing to the city that it used its best efforts to include responses from each city in Dallas, Collin, Tarrant, Denton, and Rockwall Counties in the annual survey, and the failure or unwillingness of any city to participate in the survey shall have no impact on either:

(1) the city's and the third-party firm's obligations to complete and deliver the survey required by this Section on an annual basis; or

(2) the city's obligations under this chapter.

(e) As used in this section, "revenue" shall mean

all revenue collected by the city that's use is not restricted to a limited purpose under state or federal law, including, but not limited to ad valorem property tax, sales tax, beverage taxes, asset forfeiture funds, bingo fees, cemetery taxes, impact fees, interlocal agreements, internet payment and access fees, investments, court fees, open records fees, municipal development corporation sales taxes, municipal development district taxes, pro rata fees, public improvement district assessments, right-of-way fees, special improvement district fund taxes, street assessments, time warrants, user fees, venue taxes, donations, coin-operated machine taxes, drainage fees, hotel taxes, parking fees, franchise fees, enterprise funds, charges for services, admission fees, fines and forfeitures, operating transfers from municipally controlled entities, municipal enterprises, municipally owned utilities, municipally controlled districts, licenses and permits, and interest, but shall not include any debt proceeds taken on by the city, or any grants, appropriations or other revenue received from other governmental or non-profit entities (that weren't directly or indirectly initially provided to such other governmental or non-profit entities by the city).

(f) If any section, paragraph, clause, or provision of this section is for any reason held to be invalid or unenforceable, the invalidity or unenforceability of that section, paragraph, clause, or provision shall not affect any of the remaining provisions of this section, and to this end, the provisions of this section are declared to be severable. This section shall supersede the Dallas City Code to the extent there are any conflicts. (Amend. of 11-5-24)

CHAPTER XII. POLICE DEPARTMENT

(Renumbered by Amend. of 6-12-73, Prop. No. 43)

SEC. 1. CREATION OF POLICE DEPARTMENT; PERSONNEL.

There is hereby created a police department of the City of Dallas at the head of which shall be the chief of police. The police department shall be composed of the chief, whose office is hereby created and established, and other unclassified positions of assistants, limited to the three grades or ranks immediately below the grade or rank of chief, and classified employees as the council may provide by ordinance upon recommendation of the city manager. The chief of police shall designate the order of succession of the assistant chiefs, who shall perform the duties of the chief in the event of the chief's disability, absence from the city, or inability to perform duties from any other cause. (Amend. of 6-12-73, Prop. No. 26; Amend. of 8-12-89, Prop. No. 8; Amend. of 5-3-97, Prop. No. 6)

SEC. 2. DUTIES.

The chief of police shall:

(1) have immediate direction and control of the police department, subject to the supervision of the city manager, and also subject to such rules, regulations, and orders as the city manager may prescribe, not inconsistent with the ordinances of the city, and shall promulgate all orders, rules, and regulations for government of the police force;

(2) devote the chief's entire time to the discharge of official duties, and shall not be absent from the city except in the performance of official duties, unless granted a written leave of absence by the city manager;

(3) keep the office of the chief of police open at all hours, day and night, and either the chief or

a subordinate shall be in constant attendance of such office;

(4) prescribe the uniforms and badges for the members of the police force and direct the manner in which the members of the police force shall be armed;

(5) perform such other duties as may be required by the city manager or by ordinance of the city council. (Amend. of 5-3-97, Prop. No. 6)

SEC. 3. APPOINTMENT AND OATH.

The members of the police department, other than the chief of police and assistants provided by ordinance, shall be selected from the list of eligibles prepared by the civil service commission. In case of emergency, the mayor, the city manager, or the chief of police may appoint additional patrol officers and other officers for temporary service, who need not be in the classified service. Each member of the police department, both rank and file, shall be issued a warrant of appointment signed by the city manager in which the date of appointment shall be stated, and such shall be the member's commission. Each member of the police department shall, before entering upon any duties, subscribe to an oath that the member will faithfully, without fear or favor, perform the duties of the office, and such oath shall be filed and preserved with the records of the police department, and in addition, the several officers of the force shall, if so required by the council, give bond in such penal sum and with such security as the council may prescribe by ordinance. The cost of such bond is to be borne by the city. (Amend. of 6-12-73, Prop. No. 26; Amend. of 5-3-97, Prop. No. 6)

SEC. 4. DISCIPLINE OF POLICE; HEARING.

~~—The chief of police shall have the right to discipline any of the officers or employees who may be under the chief's jurisdiction and control for violations of city ordinances or federal or state law, or for failure to obey orders given by the proper authority, or the orders, rules, and regulations promulgated by the chief of police. The chief of police may delegate this authority to discipline as he or she deems fit. If any officer or employee is discharged, the chief of police shall~~

~~forthwith in writing certify the fact, together with the cause for the action, to the city manager. A disciplined officer or employee shall have five days from receipt of notice of a suspension, demotion, or discharge within which to demand a hearing before the city manager, as provided in this Charter, but such demand must be made in writing. If demanded, the city manager shall proceed to inquire into the cause of the discipline and render judgment thereon, which judgment, if the charge is sustained, may be suspension, reduction in rank, discharge, or such other discipline as may seem just and equitable to the city manager under all the facts and circumstances of the particular case. Such judgment is final unless a discharged or demoted officer or employee desires to exercise the right of a public hearing before a trial board or an administrative law judge as provided by this Charter.~~

The chief of police shall have the right to discipline any of the officers or employees who may be under the chief's jurisdiction and control for violations of city ordinances or federal or state law, or for failure to obey orders given by the proper authority, or the orders, rules, and regulations promulgated by the chief of police. The chief of police may delegate this authority to discipline as he or she deems fit. If any officer or employee is discharged, the chief of police shall forthwith in writing certify the fact, together with the cause for the action, to the city manager. A disciplined officer or employee shall have 10 days from receipt of notice of a suspension, demotion, or discharge within which to demand a hearing before the city manager, as provided in this Charter, but such demand must be made in writing. If demanded, the city manager shall proceed to inquire into the cause of the discipline and render judgment thereon, which judgment, if the charge is sustained, may be suspension, reduction in rank, discharge, or such other discipline as may seem just and equitable to the city manager under all the facts and circumstances of the particular case. Such judgment is final unless a discharged or demoted officer or employee desires to exercise the right of a public hearing before a trial board or an administrative law judge as provided by this Charter. (Amend. of 4-3-76, Prop. No. 5; Amend. of 4-2-83, Prop. No. 7; Amend. of 5-1-93, Prop. No. 8; Amend. of 5-3-97, Prop. No. 6; Amend. of 11-8-05, Prop. No. 5; Amend. of 11-5-24)

SEC. 5. RESERVED.

~~(2) take all necessary measures to protect the city and the property of its citizens from destruction by fire or conflagration;~~

(2) take all necessary measures to protect the city and the property of its residents from destruction by fire or conflagration;

(3) devote the chief's entire time to the discharge of official duties, and shall not be absent from the city except in the performance of official duties, unless granted a written leave by the city manager;

(4) classify the fire-rescue service of the city in conformity with the ordinances of the city council concerning the number of persons to be employed therein and make rules for the regulation and discipline of such service and the employees;

(5) prescribe the uniform and badges for the members of the fire-rescue department;

(6) provide fire-rescue equipment, personnel, and services for emergency use; and

(7) perform such other duties as may be required by the city manager or by ordinance of the city council. (Amend. of 5-3-97, Prop. No. 6; Amend. of 11-8-05, Prop. No. 10; Amend. of 11-5-24)

SEC. 3. RESERVED.

(Repealed by Amend. of 11-8-05, Prop. No. 5)

SEC. 4. APPOINTMENT OF MEMBERS.

The members of the fire-rescue department, other than the chief of the fire-rescue department and the chief's assistants provided for by council ordinance, shall be certified from the list of eligibles prepared by a civil service commission, in accordance with such rules and regulations as may be prescribed by the civil service commission; provided, however, that in case of civil disturbance, the city manager or the chief of the fire-rescue department may appoint additional firefighters and officers for temporary service, who need not be in the classified service. (Amend. of

6-12-73, Prop. No. 27; Amend. of 5-3-97, Prop. No. 6; Amend. of 11-8-05, Prop. No. 10)

SEC. 5. ADDITIONAL COMPENSATION FOR CONTINUOUS SERVICE.

All firefighters and other uniformed personnel of the fire-rescue department shall receive additional compensation for continuous service as is provided by the laws of the State of Texas and, in the absence of such provisions, as is provided for by ordinances of the city. (Amend. of 5-3-97, Prop. No. 6; Amend. of 11-8-05, Prop. No. 10)

SEC. 6. DESTRUCTION OF BUILDINGS.

When any building in the city is on fire, it shall be lawful for the chief of the fire-rescue department or any assistant chief of the fire-rescue department, with the concurrence of the city manager, to direct such building, or any buildings that they may deem hazardous and likely to communicate fire to other buildings, to be torn down, blown up, or destroyed, and no action shall be maintained against any person or against the city therefor. Any person interested in any building so destroyed or injured may, within six months, and not thereafter, apply in writing to the council to assess and pay the damages claimed to have been sustained. If the council and the claimant cannot agree upon the terms of adjustment, then the application of the claimant shall be referred for decision to three disinterested arbitrators, who shall be qualified voters and owners of real estate within the city. One arbitrator shall be appointed by the claimant, and one by the council, and the third by both arbitrators previously selected, and the decision of the majority shall constitute the award in the case. The arbitrators shall be sworn to faithfully execute their duties according to the best of their ability. They shall have power to subpoena and administer oaths to witnesses; to give all parties a fair and impartial hearing; and to give reasonable notice beforehand of the time and place of the hearing. They shall take into

account the probability as to whether the building would have been destroyed by fire if it had not been pulled down and destroyed and the loss of insurance upon the property, if any, caused by the pulling down, blowing up, and destroying of the building, and may report that no damages should equitably be allowed to the claimant. Whenever such report appraising the damages is made and finally confirmed by the council, compliance therewith by the council shall be deemed full satisfaction of the damages. (Amend. of 5-3-97, Prop. No. 6; Amend. of 11-8-05, Prop. No. 10)

SEC. 7. FIREFIGHTERS TO EXERCISE POLICE POWERS IN ATTENDING AND RETURNING FROM FIRES AND RESCUE SITUATIONS.

Each member of the fire-rescue department acting under orders of a commanding officer is authorized to exercise powers of police officers while going to, attending, or returning from any fire, alarm of fire, or rescue situation and shall be issued a warrant of appointment signed by the city manager, in which the date of appointment shall be stated, and such warrant shall be the firefighter's commission. (Amend. of 5-3-97, Prop. No. 6; Amend. of 11-8-05, Prop. No. 10)

SEC. 8. FALSELY WEARING UNIFORM OR BADGE.

Any person, other than a member of the fire-rescue department of the City of Dallas, who wears the uniform or badge as prescribed by the chief of the fire-rescue department of the City of Dallas, or a uniform or badge so closely similar as to be mistaken for the uniform or badge of the fire-rescue department of the City of Dallas, shall be subject to such fine as may be prescribed by the city council by ordinance. (Amend. of 5-3-97, Prop. No. 6; Amend. of 11-8-05, Prop. No. 10)

SEC. 9. DISCIPLINE OF FIREFIGHTERS AND OTHER FIRE-RESCUE DEPARTMENT PERSONNEL; HEARING.

~~—The chief of the fire-rescue department shall have the right to discipline any officers or employees who may be under the chief's control and management for violations of city ordinances or federal or state law, or for failure to obey orders given by the proper authority, or the orders, rules, and regulations promulgated by the chief for the department. The chief of the fire-rescue department may delegate this authority to discipline as he or she deems fit. If any officer or employee is discharged, the chief of the fire-rescue department shall forthwith in writing certify the fact, together with the cause for the action, to the city manager. A disciplined officer or employee shall have five days from receipt of notice of a suspension, demotion, or discharge within which to demand a hearing before the city manager, as provided in this Charter, but such demand must be made in writing. If demanded, the city manager shall proceed to inquire into the cause of the discipline and render judgment thereon, which judgment, if the charge is sustained, may be suspension, reduction in rank, discharge, or such other discipline as may seem just and equitable to the city manager under all the facts and circumstances of the particular case. Such judgment is final unless a discharged or demoted officer or employee desires to exercise the right of a public hearing before a trial board or an administrative law judge as provided by this Charter.~~

The chief of the fire-rescue department shall have the right to discipline any officers or employees who may be under the chief's control and management for violations of city ordinances or federal or state law, or for failure to obey orders given by the proper authority, or the orders, rules, and regulations promulgated by the chief for the department. The chief of the fire-rescue department may delegate this authority to discipline as he or she deems fit. If any officer or employee is discharged, the chief of the fire-rescue department shall forthwith in writing certify the fact, together with the cause for the action, to the city manager. A disciplined officer or employee shall have 10 days from receipt of notice of a suspension, demotion, or discharge within which to demand a hearing before the city manager, as provided in this Charter, but such demand must be made in writing. If demanded, the city manager shall proceed to inquire into the cause of the discipline and render judgment

thereon, which judgment, if the charge is sustained, may be suspension, reduction in rank, discharge, or such other discipline as may seem just and equitable to the city manager under all the facts and circumstances of the particular case. Such judgment is final unless a discharged or demoted officer or employee desires to exercise the right of a public hearing before a trial board or an administrative law judge as provided by this Charter. (Amend. of 4-3-76, Prop. No. 8; Amend. of 4-2-83, Prop. No. 7; Amend. of 5-1-93, Prop. No. 8; Amend. of 5-3-97, Prop. No. 6; Amend. of 11-8-05, Prop. Nos. 5 and 10; Amend. of 11-5-24)

schedules. No such schedule shall be operative, nor shall service be furnished in accordance therewith, until filed with and approved by the city council. (Amend. of 11-8-05, Prop. No. 9)

SEC. 6. FORFEITURE OF FRANCHISE.

Upon proof being received by the city council that the provisions of a franchise previously granted are being violated, it shall at once cause an investigation to be made of the alleged violation. If the city council is of the opinion that the provisions of the franchise are being violated, it shall instruct the city attorney to take the necessary steps to secure compliance with the terms of the franchise. Should the franchise holder fail to comply, after notice, then the city attorney may take the steps authorized by law including forfeiture of the same.

SEC. 7. RATE HEARINGS.

The city council shall provide for a fair hearing to any person, firm, corporation, or other business entity enjoying a public service franchise in the City of Dallas, prior to the change in the rates, rules, or regulations applicable to such franchise. In fixing or changing the charges, rates, fares, or compensation, or determining the reasonableness thereof, no stocks or bonds authorized or issued by any corporation, nor any indebtedness created by any person, firm, corporation, or other business entity, enjoying a franchise, shall be considered unless upon proof that the stocks, bonds, or indebtedness have been actually issued for money paid and used in the reasonable development of the property of the franchise holder, for labor done or property actually received in accordance with the laws and constitution of the state applicable thereto. No hearing shall be required for a reduction in rates unless requested in writing by an interested person, firm, corporation, or business entity. (Amend. of 11-8-05, Prop. No. 9)

SEC. 8. ACQUISITION BY EMINENT DOMAIN.

~~—The city shall have the power through eminent domain proceedings to acquire any public utility operating with or without a franchise and furnishing a public service to the citizens of Dallas. The procedure to be used in the acquisition of such property shall be that as set forth in Chapter 21 of the Texas Property Code, as amended, and other applicable state law. In valuing the property, the measure of damages shall be the fair market value of the physical properties together with its franchise, if any, taken together as one system. This power shall be in addition to and cumulative of any other powers of acquisition granted to or reserved by the city in a franchise ordinance.~~

The city shall have the power through eminent domain proceedings to acquire any public utility operating with or without a franchise and furnishing a public service to the residents of Dallas. The procedure to be used in the acquisition of such property shall be that as set forth in Chapter 21 of the Texas Property Code, as amended, and other applicable state law. In valuing the property, the measure of damages shall be the fair market value of the physical properties together with its franchise, if any, taken together as one system. This power shall be in addition to and cumulative of any other powers of acquisition granted to or reserved by the city in a franchise ordinance. (Amend. of 11-8-05, Prop. Nos. 9 and 13; Amend. of 11-5-24)

SEC. 9. NO PUBLIC UTILITY PURCHASE WITHOUT VOTER APPROVAL.

Prior to the purchase of any existing franchised public utility system, either according to the terms of the franchise or by eminent domain, the city council must submit the question of the purchase to the qualified voters of the City of Dallas, and the same must be approved by a majority of those voting in the election.

SEC. 10. PRIVATE LICENSES.

The city council shall have the power by ordinance to grant to any owner of property abutting upon the streets or other property of the city, the use thereof or to go over or under the same in any manner which may be necessary or proper to the enjoyment of

through the city council, to terminate such license when deemed inconsistent with the public use of the property of the city and when the same may become a nuisance.

SEC. 11. REVOCABLE LICENSE.

The city council shall have the power to grant minor or temporary privileges in the streets, public ways and public places of the city by ordinance or resolution. Such permit shall be unconditionally revocable at the will of the city council and shall not be deemed to be a franchise as used in this Charter.

CHAPTER XV. PLANNING AND ZONING

(Renamed and Renumbered by Amend. of 6-12-73,
Prop. No. 43)

SEC. 1. COMPREHENSIVE PLANNING.

(1) **CONTENT.** The council may adopt, and may from time to time modify, a comprehensive plan setting forth in graphic and textual form, policies to govern the future physical development of the city. Such plan may cover the entire city and all of its functions and services or may consist of a combination of plans governing specific functions and services or specific geographic areas which together cover the entire city and all of its functions and services.

(2) **ADOPTION.** Upon receipt from the city manager of a proposed comprehensive plan or proposed modification of the existing plan, the city council shall hold a public hearing on the proposed comprehensive plan or modification thereof and shall thereafter adopt it by ordinance, or reject the same.

(3) **EFFECT.** The comprehensive plan shall serve as a guide to all future council action concerning land use and development regulations, urban conservation and rehabilitation programs and expenditures for capital improvements. (Renumbered

by Amend. of 6-12-73, Prop. No. 43; Amend. of 11-4-14, Prop. No. 9)

SEC. 2. URBAN CONSERVATION AND REHABILITATION AND REDEVELOPMENT.

The council may by ordinance provide for urban redevelopment, rehabilitation and conservation programs for:

(1) the alleviation or prevention of slums, obsolescence, blight or other conditions of urban deterioration; and

(2) the achievement of the most appropriate use of land. (Renumbered by Amend. of 6-12-73, Prop. No. 43)

SEC. 3. ZONING COMMISSION.

~~—The city council shall appoint 15 qualified voters of the City of Dallas who shall constitute the zoning commission of the City of Dallas, and shall be the city plan commission as the same is referred to by state statute for the approval of plats and subdivisions. The members shall possess the same qualifications and be subject to the same disqualifications as provided by the Charter for members of the city council, or general laws of the State of Texas. The city council shall name one of the members to be the chair and one to be the vice chair.~~

The city council shall appoint 15 residents of the City of Dallas who shall constitute the zoning commission of the City of Dallas and shall be the city plan commission as the same is referred to by state statute for the approval of plats and subdivisions. Except for the qualified voter requirement, the members shall possess the same qualifications and be subject to the same disqualifications as provided by the Charter for members of the city council, or general laws of the State of Texas. The mayor shall designate one member as chair, subject to confirmation by the city council. (Renumbered by Amend. of 6-12-73, Prop. No. 43; Amend. of 11-8-05, Prop. No. 13; Amend. of 11-5-24)

SEC. 4. DUTIES OF ZONING COMMISSION.

(2) Upon application made, advertise and hold public hearings on zoning or changes in zoning, and make recommendations thereon to the city council.

~~(3) Act as an advisory body to the city council in relation to any changes in the boundaries of the various original districts and any changes in the zoning ordinances and regulations to be enforced therein. Such recommendation shall be made after advertisement of and a public hearing held thereon. Notice of such public hearing shall be published at least one time in a newspaper of general circulation in the city at least 10 days prior to the date of said hearing, or as otherwise provided by state law or this charter.~~

(3) Act as an advisory body to the city council in relation to any changes in the boundaries of the various original districts and any changes in the zoning ordinances and regulations to be enforced therein. Such recommendation shall be made after a public hearing held thereon.

(4) Administer provisions of state law regarding the platting and recording of subdivisions and additions, and in connection therewith, to require the owners and developers of land who desire to subdivide, plat or replat land for urban development, to provide for building setback lines, to dedicate streets, alleys, parks, easements or other public places of adequate width and size; to coordinate street layouts and street planning with the city and with other municipalities, and to coordinate the same with the county, state and federally designated highways, as they may deem best in the interest of the general public. In connection with the planning and the platting of property, the zoning commission shall have the power to consider the character of development or land use contemplated by the proposed platting and the zoning of the property, and require off-street parking, streets and alleys of adequate width to be provided for that purpose.

(5) Make recommendations to the city manager and the city council on matters affecting the physical development of the city.

(6) Advise and make recommendations on the comprehensive plan and the implementation thereof as may be requested by the city manager and the city council.

(7) Exercise all other responsibilities as may be provided by law. (Renumbered by Amend. of 6-12-73, Prop. No. 43; Amend. of 8-12-89, Prop. No. 9; Amend. of 11-5-24)

SEC. 5. DEDICATION OF STREETS, ALLEYS AND PUBLIC PROPERTIES.

The action of the zoning commission in requiring the dedication of streets, alleys and public places shall not amount to an acceptance of said dedication, nor estop the city council to deny the same. Acceptance of all dedications shall be by action of the city council, or when the city council shall have made actual appropriation of the same by entry, use or improvement. (Renumbered by Amend. of 6-12-73, Prop. No. 43)

SEC. 6. CITY URBAN DEVELOPMENT COMMISSION.

In addition to the zoning commission, the city council may by ordinance provide for an urban development commission. The ordinance creating the same shall state how the body shall be constituted, the qualifications of the members and the duties of the same. (Renumbered by Amend. of 6-12-73, Prop. No. 43)

SEC. 7. RESERVED.

(Repealed by Amend. of 11-4-14, Prop. No. 9)

SEC. 8. THOROUGHFARE PLAN.

The city council shall by ordinance adopt a thoroughfare plan. A thoroughfare plan now in existence or hereafter adopted by the city council shall not be changed except by an ordinance duly adopted after a public hearing as herein provided.

Prior to any change in a thoroughfare plan, the city council shall hold a public hearing. Written notice of all public hearings before the city council on proposed changes in the thoroughfare plan shall be sent to owners of real property lying within 200 feet of the area of the proposed change, such notice to be given, not less than 10 days before the date set for hearing, to all such owners who have rendered their said property for city taxes as the ownership appears on the last approved city tax roll. Such notice may be served by depositing the same, properly addressed and postage paid, in the United States mail. (Amend. of 1-17-81, Prop. No. 3)

CHAPTER XVI. CIVIL SERVICE AND PERSONNEL

(Renumbered by Amend. of 6-12-73, Prop. No. 43)

SEC. 1. ORGANIZATION OF CIVIL SERVICE.

~~—There is hereby created and established a civil service board to be composed of seven members who shall be qualified taxpaying citizens of the City of Dallas and a number of adjunct members equal to the number of members on the city council who shall have qualifications established by the city council. Biennially in September of each odd-numbered year, the city council shall appoint the members and adjunct members to serve for two years and until their successors have been appointed and qualified, and the mayor shall designate one member as chair subject to confirmation by a majority of the city council. The adjunct members shall not have voting privileges on matters to be determined by the civil service board but shall perform such duties as prescribed for them by this Charter. The members and adjunct members of the civil service board shall not hold any other position under the city, county, or state government. The city council may remove any member or adjunct member of the board. Any vacancies on the board must be filled by the city council for the unexpired term.~~

There is hereby created and established a civil service board to be composed of seven members who shall be residents of the City of Dallas and a number of adjunct members equal to the number of members on the city council who shall have qualifications established by the city council. Biennially in September of each odd-numbered year, the city council shall

appoint the members and adjunct members to serve for two years and until their successors have been appointed and qualified, and the mayor shall designate one member as chair subject to confirmation by a majority of the city council. The adjunct members shall not have voting privileges on matters to be determined by the civil service board but shall perform such duties as prescribed for them by this Charter. The members and adjunct members of the civil service board shall not hold any other position under the city, county, or state government. The city council may remove any member or adjunct member of the board. Any vacancies on the board must be filled by the city council for the unexpired term. (Amend. of 4-2-83, Prop. No. 7; Amend. of 4-6-85, Prop. No. 4; Amend. of 8-12-89, Prop. No. 1; Amend. of 5-1-93, Prop. No. 8; Amend. of 11-8-05, Prop. No. 7; Amend. of 11-5-24)

SEC. 2. OFFICERS OF CIVIL SERVICE BOARD; DIRECTOR OF CIVIL SERVICE DEPARTMENT.

(a) Immediately after appointment, the board shall organize by electing one of the members vice chair. The board shall also appoint a secretary, who shall not be a member or adjunct member of the board. The secretary shall serve as director of the civil service department of the city and employ such assistants and employees to positions as the city council may establish.

(b) The secretary of the board shall serve for a period of two years from the date of appointment or until a successor is appointed and qualified, unless sooner discharged by the board. The secretary shall be appointed by a majority of all of the members of the board and may not be discharged during the term of office except by a two-thirds vote of all of the board members. The secretary shall receive such compensation as is fixed by the board. (Amend. of 4-2-83, Prop. No. 7; Amend. of 5-3-97, Prop. No. 8)

SEC. 3. CIVIL SERVICE DIVIDED INTO CLASSIFIED AND UNCLASSIFIED SERVICE.

(a) The civil service of the city is divided into the “unclassified” and “classified” service.

(b) The unclassified service shall include:

~~(1) the directors of departments, assistant directors of departments, and other managerial personnel as designated by rules of the board;~~

(1) the directors of departments, assistant directors of departments, and other managerial personnel as designated by city council;

(2) the municipal court clerk and the secretary of the civil service board; and

(3) the labor class, which shall include all ordinary unskilled labor.

(c) The classified service shall include all positions not exempted or otherwise designated according to the Charter. There shall be in the classified service two classes to be known as the "competitive class" and the "noncompetitive class," as follows:

(1) The competitive class shall include all positions and employment for which it is practical to determine the merit and fitness of the applicant by competitive examination.

(2) The noncompetitive class shall consist of all positions designated to respond to special needs identified by directors of departments and approved by the board or positions requiring peculiar and exceptional qualifications or management accountability as may be determined by the rules of the board. (Amend. of 4-2-83, Prop. No. 7; Amend. of 11-8-05, Prop. No. 5; Amend. of 11-5-24)

SEC. 4. CIVIL SERVICE BOARD TO ADOPT RULES AND REGULATIONS, SUBJECT TO THE APPROVAL OF THE CITY COUNCIL.

(a) The civil service board, subject to the approval of the city council, shall:

(1) adopt, amend, and enforce a code of rules and regulations providing for appointment and employment in all positions in the classified service, which shall have the force and effect of law;

(2) adopt rules regulating reduction of force of employees and in what order they shall be dismissed and reinstated; and

(3) make investigation concerning the enforcement and effect of this section of the Charter and of the rules adopted under the powers granted in this section.

(b) The rules as adopted shall provide for the following:

(1) Notice of no less than seven days of any public meeting of the board.

(2) A lapse of 15 days between a recommended change in the rules by the board and action by the city council.

(3) Notice to all department heads and through them to their employees regarding any recommended changes.

(4) No changes in the rules shall become effective without complying with the notice provisions as stated in this section.

(c) If the civil service rules or any rule adopted by the civil service board, the civil service trial board, or an administrative law judge, and approved by the city council, conflicts with a provision of this Charter or the personnel rules adopted by ordinance of the city council, then this Charter and the personnel rules will prevail.

(d) The civil service board shall make an annual report to the city council at the end of each fiscal year, giving a complete statement of the board's activities and containing such recommendations with regard to improving the efficiency of the civil service as it may deem advisable. (Amend. of 6-12-73, Prop. No. 29; Amend. of 11-8-05, Prop. No. 5)

SEC. 5. LISTS OF ELIGIBLES TO BE PROVIDED AND MAINTAINED BY BOARD.

The board shall provide for examination in accordance with its code of rules and regulations, and maintain lists of eligibles to each class of the service of those meeting the requirements of said regulations. Positions in the classified service shall be filled from such eligible lists upon requisition of the city manager.

SEC. 6. BOARD TO PROVIDE FOR PROMOTIONS AND REASSIGNMENT IN THE CLASSIFIED SERVICE.

(a) The board shall provide for promotion to all positions in the classified service on the basis of merit and fitness demonstrated by examination or other appropriate evidences of competition and by records of merit, efficiency, character, conduct, and seniority.

~~—(b) The board shall also provide for incumbents of ranks or grades that have been eliminated by departmental reorganization:~~

~~—(1) to be reassigned to other positions; and~~

~~—(2) to receive no reduction in compensation for a period not to exceed two years.~~

~~—(c) The board may, but is not required to, provide for reassignment in the case of:~~

~~—(1) reduction in force; or~~

~~—(2) removal or reduction for cause under standard civil service hearing and appeal procedures.~~

~~—(d) Subsection (b)(2) does not apply to a reassignment made under Subsection (c).~~

(b) The board may, but is not required to, provide for reassignment in the case of:

(1) reduction in force;

(2) removal or reduction for cause under standard civil service hearing and appeal procedures; or

(3) departmental reorganization. (Amend. of 6-12-73, Prop. No. 30; Amend. of 4-6-85, Prop. No. 3; Amend. of 5-1-93, Prop. No. 8; Amend. of 11-5-24)

SEC. 7. BOARD TO ESTABLISH RULES GOVERNING CONDUCT HUMAN RESOURCES DEPARTMENT TO RECOMMEND RULES GOVERNING CONDUCT.

~~—It shall be the duty of the board, in the code of rules and regulations approved by the council, to~~

~~establish rules governing evaluation of conduct and performance and requiring remedies for nonperformance for positions in the civil service.~~

It shall be the duty of the human resources department to recommend personnel rules to be adopted by city council that govern evaluation of conduct and performance and require remedies for nonperformance for positions in the civil service. (Amend. of 4-2-83, Prop. No. 7; Amend. of 11-5-24)

SEC. 8. INVESTIGATIONS; POWER TO REQUIRE ATTENDANCE OF WITNESSES, ETC.

In any investigations conducted by the board, it shall have the power to subpoena and require the attendance of witnesses and the production thereby of books and papers pertinent to the investigation and to administer oaths to such witnesses.

SEC. 9. DEPARTMENTS EXEMPTED FROM CIVIL SERVICE.

The legal department, the city manager’s office, the city auditor’s office, the city secretary’s office, the library department, the park and recreation department, the radio department, municipal court judges, and the city council office staff are exempted from the provisions applicable to the civil service. (Amend. of 5-3-97, Prop. No. 8; Amend. of 11-8-05, Prop. Nos. 3 and 5)

SEC. 10. PROBATIONARY PERIOD.

~~—(a) Appointments or promotions of city officers and employees in the classified and unclassified service shall not be deemed complete until a period of six months shall have elapsed. A probationer may be discharged, suspended or reduced within said period by the city manager, or the head of the department in which said probationer is employed without right of appeal.~~

(a) Appointments or promotions of city officers and employees in the classified and unclassified service shall not be deemed complete until a period of six months shall have elapsed. A probationer may be discharged, suspended or reduced within said period by the city manager, or the head of the department in

which said probationer is employed without right of appeal. A probationary period served as a civilian employee will not satisfy the probationary period for a position in the sworn service with the police department or the fire-rescue department.

(b) Probationary periods may be extended under civil service rules or personnel rules to allow six months on-the-job work performance or completion of any written prerequisites to employment. (Amend. of 4-2-83, Prop. No. 7; Amend. of 11-5-24)

SEC. 11. EMPLOYEE ACTIONS AFTER PROBATION PERIOD.

(a) Any classified or unclassified officer or employee may be removed, laid off, or reduced in grade by the city manager, or the head of the department in which the officer or employee is employed, after the six months' probationary period has expired. The officer taking the action shall, upon request, furnish the discharged or reduced officer or employee with a written statement of the reasons for the action. The discharged or reduced officer or employee shall have the right to demand a public hearing upon the charges, within a reasonable time after notice of the action, before the trial board as provided by this Charter. This right of appeal does not apply to department directors, assistant department directors, and other managerial personnel designated by the city council, or to employees in departments exempted from the provisions applicable to the civil service.

~~(b) An officer or employee who has been disciplined by the head of any department under the city manager shall have five days from receipt of notice of such action within which to demand, in writing, a hearing before the city manager. At the hearing, the city manager shall inquire into the cause of the disciplinary action and render a decision either affirming the action of the department head, setting aside the action of the department head, or directing the department head to enter a new order that the city manager determines is just and equitable. Notwithstanding any other provision of this Charter, the city manager is not limited in determining the extent of any discipline ordered. The decision of the city manager is final unless the disciplined officer or employee exercises any right to a public hearing before the trial board as provided by this Charter. This right of appeal does not apply to department directors, assistant department directors, and other managerial personnel designated by the city council, or to employees in departments exempted from the provisions applicable to the civil service.~~

(b) An officer or employee who has been disciplined by the head of any department under the city manager shall have 10 days from receipt of notice of such action within which to demand, in writing, a hearing before the city manager. At the hearing, the city manager shall inquire into the cause of the disciplinary action and render a decision either affirming the action of the department head, setting aside the action of the

department head, or directing the department head to enter a new order that the city manager determines is just and equitable. Notwithstanding any other provision of this Charter, the city manager is not limited in determining the extent of any discipline ordered. The decision of the city manager is final unless the disciplined officer or employee exercises any right to a public hearing before the trial board as provided by this Charter. This right of appeal does not apply to department directors, assistant department directors, and other managerial personnel designated by the city council, or to employees in departments exempted from the provisions applicable to the civil service. (Amend. of 4-2-83, Prop. No. 7; Amend. of 5-1-93, Prop. No. 8; Amend. of 11-8-05, Prop. No. 5; Amend. of 11-5-24)

SEC. 12. TRIAL BOARD.

(a) There is hereby created for the purpose of hearing and determining charges made against any officer or employee of the city, classified or unclassified, who has been discharged or reduced in grade, a board to be known as the trial board, which shall be composed of one member of the civil service board as designated by the chair and two adjunct members of the civil service board as designated by the chair. The civil service board shall designate a secretary to the trial board.

(b) The trial board has final jurisdiction to hear and decide all appeals made to it by any discharged or reduced officer or employee. The judgment or decision of a majority of the trial board is final, unless the decision is appealed by either party within one year to the district court of the State of Texas, in which hearing the matter must be decided based upon the review of the record of the trial board hearing. An appeal by the city of a trial board decision to district court must be approved by the city manager and city attorney. An appeal by either party to district court does not suspend the execution of the trial board order being appealed. The prevailing party in an appeal to district court is entitled to reasonable attorney's fees incurred from the date the trial board order is issued.

(c) Any aggrieved officer or employee who desires to appeal to the trial board must do so in writing within 10 working days from the date of notification of dismissal or reduction. The aggrieved

Amend. of 5-1-93, Prop. No. 8; Amend. of 11-8-05, Prop. No. 5; Amend. of 11-4-14, Prop. No. 9)

SEC. 12.1. ADMINISTRATIVE LAW JUDGE.

~~—(a) Instead of appealing to a trial board as provided in Section 12 of this chapter, an officer or employee of the city, classified or unclassified, who has been discharged or reduced in grade may appeal to an administrative law judge in accordance with procedures established by ordinance.~~

~~—(b) A person who appeals to an administrative law judge shall pay one-half of the costs attributed to having the administrative law judge conduct the appeal hearing.~~

Instead of appealing to a trial board as provided in Section 12 of this chapter, an officer or employee of the city, classified or unclassified, who has been discharged or reduced in grade may appeal to an administrative law judge in accordance with procedures established by ordinance. (Amend. of 8-12-89, Prop. No. 10; Amend. of 11-5-24)

SEC. 13. MERIT PRINCIPLE.

All appointments and promotions of city officers and employees, including classified and unclassified positions and positions exempt from the civil service, shall be made solely on the basis of merit and fitness.

SEC. 14. ADOPTION OF PERSONNEL SYSTEM.

The city council shall provide a system of personnel rules and regulations for all employees which shall include:

- (1) a description of employment positions;
- (2) methods of determining merit and fitness;
- (3) hours of work, attendance regulations, provisions for sick leave and provisions for vacation leave;
- (4) a plan of equitable pay scales;

- (5) policies regarding in-service training programs;
- (6) grievance procedures; and
- (7) other conditions of employment.

SEC. 15. RESERVED.

(Repealed by Amend. of 4-3-76, Prop. No. 6)

SEC. 16. NO DISCRIMINATION; PROHIBITING CERTAIN POLITICAL ACTIVITY ON THE PART OF EMPLOYEES.

(a) No person shall be appointed, reduced, removed, or in any way favored or discriminated against because of race, color, age, religion, marital status, sexual orientation, gender identity and expression, genetic characteristics, national origin, disability, military or veteran status, sex, political opinions or affiliations. No officer or employee of the city shall directly or indirectly, in any way be required to contribute to any political campaign, political party, organization which supports candidates for public office, or for any partisan political purpose whatsoever.

(b) To avoid undue influence of city employees on the outcome of city council elections and to avoid undue influence of city council members or candidates for city council on city employees, the following restrictions are imposed:

- (1) No employee of the city or association of such employees may publicly endorse or actively support candidates for the city council or any political organization or association organized to support candidates for the city council.
- (2) No employee of the city may circulate petitions for city council candidates, although an employee may sign such a petition.
- (3) No employee of the city may contribute, directly or indirectly or through an organization or

association to such a campaign nor solicit or receive contributions for a city council candidate.

(4) No employee of the city may wear city council campaign buttons nor distribute campaign literature at work or in a city uniform or in the offices or buildings of the City of Dallas.

(c) In elections other than for city council of the City of Dallas, an employee of the city may not:

(1) use the prestige of the employee's position with the city for any partisan candidate;

(2) manage a partisan political campaign;

(3) solicit or receive contributions for such a campaign; or

(4) actively support a candidate except on the employee's own time while not in a city uniform nor in an office or building of the City of Dallas.

(d) Notwithstanding any conflict with Subsections (b) and (c) of this section, a sworn employee of the fire-rescue department or the police department may engage in political activities to the extent permitted by law. (Amend. of 6-12-73, Prop. No. 32; Amend. of 8-12-89, Prop. No. 11; Amend. of 11-8-05, Prop. No. 10; Amend. of 11-4-14, Prop. No. 9)

SEC. 17. FALSIFICATION OR PAYMENT FOR OFFICE PROHIBITED.

No person shall willfully make any false statement, certificate, mark, rating, or report in regard to any test, certification, or appointment under the personnel system or civil service provisions of this Charter or the rules and regulations made under those provisions, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules, and regulations. No person who seeks appointment or promotion with respect to any city position shall directly or indirectly give, render, or pay any money, service, or other valuable thing to any

person for or in connection with a test, appointment, proposed appointment, promotion, or proposed promotion. (Amend. of 11-8-05, Prop. No. 13)

CHAPTER XVII. PARK AND RECREATION DEPARTMENT

(Renumbered by Amend. of 6-12-73, Prop. No. 43)

SEC. 1. PARK AND RECREATION DEPARTMENT.

There is hereby created a park and recreation department of the City of Dallas which shall be administered by the park and recreation director under the supervision of the park and recreation board as hereinafter set out.

SEC. 2. ORGANIZATION OF BOARD AND TERMS OF OFFICE OF MEMBERS.

~~—(a) The city council shall appoint a number of qualified voters of the city equal to the number of members on the city council who shall constitute the park and recreation board of the city. The members shall possess the same qualifications and be subject to the same disqualifications as provided by the Charter for members of the city council, or by general laws of the State of Texas, and shall serve without compensation.~~

(a) The city council shall appoint a number of residents of the City of Dallas equal to the number of members on the city council who shall constitute the park and recreation board of the city. The members shall possess the same qualifications and be subject to the same disqualifications as provided by the Charter for members of the city council, or by general laws of the State of Texas, except that a member is not required to be a qualified voter of the city, and shall serve without compensation.

(b) All members of the board shall be appointed by the city council, in accordance with Chapter XXIV, Section 13 of this Charter, as are other boards and shall serve for like terms, as provided by this Charter. The mayor shall appoint the president of the board from among the members appointed by the city council,

subject to confirmation by a majority of the city council.
(Amend. of 8-12-89, Prop. No. 1; Amend. of 11-5-24)

adoption by the required majority pursuant to one motion duly made, seconded and passed. Where the state law or this charter provides for a different procedure before the action of the council may become final, then in that event, the council shall follow the procedure required.

SEC. 4. VOTING.

The vote upon the passage of any ordinance, resolution or motion shall be taken by voice vote unless otherwise requested by a member of the city council, in which case a roll call vote shall be taken. The results of all voting shall be entered upon the minutes of the proceedings of the council. Every ordinance, resolution, or motion shall require on final passage the affirmative vote of a majority of the members present unless more is required by state law, this Charter, or ordinance. (Amend. of 6-12-73, Prop. No. 33; Amend. of 8-12-89, Prop. No. 13)

SEC. 5. EFFECTIVE DATE.

All ordinances and resolutions passed by the city council shall become effective immediately from and after final publication, except in the following instances:

- (1) where the state law or other provisions of this Charter provide otherwise, in which case the effective date shall be the earliest time therein prescribed;
- (2) where the ordinance or resolution prescribes a different effective date;
- (3) where an ordinance or resolution is adopted under the initiative and referendum provisions of this Charter, in which case the effective date thereof shall be immediately after the canvass of the election.

SEC. 6. OFFICIAL RECORDS.

The city secretary shall keep an accurate record of all actions taken by the city council and shall preserve each ordinance, resolution, and motion of the city council as permanent records of the city. (Amend. of 4-2-83, Prop. No. 3)

SEC. 7. ~~PUBLICATION OF ORDINANCES~~ **RESERVED.**

~~—The descriptive caption or title of each ordinance stating in summary the purpose of the ordinance and the penalty for violation of the ordinance, shall be published at least once in a newspaper of general circulation in the city, unless otherwise provided by state law or this Charter, in which event the specific provisions shall be followed.~~

(Amend. of 11-8-05, Prop. No. 11; Repealed by Amend. of 11-5-24)

SEC. 8. CODIFICATION OF ORDINANCES.

The city council shall have power to cause the ordinances of the city to be printed, in code form, and shall have the same arranged and digested as often as the council may deem advisable; however, failure to print the ordinances as herein provided shall not affect the validity of the same.

SEC. 9. HOW PLEAD.

In all judicial proceedings, it shall be sufficient to plead any ordinance by caption, or by the number of sections thereof wanted, and it shall not be necessary to plead the entire ordinance or section. All ordinances of the city when printed and published and bearing on the title page thereof "Ordained and Published by the City Council of the City of Dallas," or words of like import, shall be prima facie evidence of their authenticity and shall be admitted and received in all the courts and places without further proof.

SEC. 10. APPROVAL OF MAYOR NOT NECESSARY.

The approval or signature of the mayor shall not be necessary to make an ordinance or resolution valid.

SEC. 11. INITIATIVE AND REFERENDUM OF ORDINANCES.

Any proposed ordinance may be submitted to the city council in the form in which the petitioner desires the ordinance to be passed, by a petition filed with the city secretary in the following manner:

~~———— (1) A committee of at least five registered voters of the City of Dallas must make application to the city secretary and file an intention to circulate a petition, giving the date and the proposed ordinance to be circulated. Unless the final petition, with the required number of signatures is returned within 60 days from this date, it will not be received for any purpose.~~

~~———— (2) The petition must contain the names of a number of qualified voters in the city equal to 10 percent of the qualified voters of the City of Dallas as appears from the latest available county voter registration list.~~

(1) A committee of at least five residents of the City of Dallas must make application to the city secretary and file an intention to circulate a petition, giving the date and the proposed ordinance to be circulated. Unless the final petition, with the required number of signatures is returned within 120 days from this date, it will not be received for any purpose.

(2) The petition must contain the names of a number of qualified voters in the city equal to five percent of the qualified voters of the City of Dallas as appears from the latest available county voter registration list.

(3) The petition must comply in form, content, and procedure with the provisions of Section 12, Chapter IV of this Charter. (Amend. of 4-2-83, Prop. No. 2; Amend. of 5-1-93, Prop. No. 6; Amend. of 11-5-24)

SEC. 12. CITY SECRETARY TO EXAMINE

PETITION.

Within 30 days after the date the petition is filed, the city secretary shall examine and ascertain whether or not the petition is signed by the requisite number of qualified voters and shall attach to the petition a certificate showing the result of the examination. If the petition is found to be sufficient, the city secretary shall submit the petition to the city council without delay. (Amend. of 4-2-83, Prop. No. 2; Amend. of 5-1-93, Prop. No. 6)

SEC. 13. CITY COUNCIL EITHER TO PASS ORDINANCE OR CALL ELECTION.

If the petition, properly signed, is presented to the city council, the council shall either:

(1) pass the ordinance without alteration within 20 days after the attachment of the city secretary's certificate of sufficiency to the accompanying petition (subject to referendary vote under provisions of this Charter); or

(2) after the attachment of the city secretary's certificate of sufficiency to the petition accompanying the ordinance, promptly call a special election, at which the ordinance, without alteration, shall be submitted to a vote of the people. (Amend. of 11-8-05, Prop. No. 13)

SEC. 14. BALLOTS; ONE OR MORE ORDINANCES MAY BE VOTED; PROVISION FOR REPEAL.

The ballots used when voting upon said ordinance shall be in a manner so as to apprise the voters of the nature of the proposed ordinance and contain two propositions so that they may vote either "for" or "against" the propositions indicating their preference on the ordinance. If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city, and any ordinance proposed by petition, or which shall be adopted by a vote of the people, cannot be repealed or amended except by a vote of the people.

Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this section of the Charter, but more than one special election shall not be held in any period of six months.

The city council may submit a proposition for the repeal of any such ordinance or for amendments thereto, to be voted upon at any succeeding general city election, and should such proposition so submitted receive a majority of the votes cast thereon at such election, such ordinance shall be repealed or amended accordingly.

SEC. 15. ~~PROMULGATION OF ORDINANCES BEFORE ELECTION RESERVED.~~

~~Whenever any ordinance or proposition is required by the Charter to be submitted to the voters of the city at any election, the city secretary shall cause the ordinance or proposition to be printed in a newspaper of general circulation in the city and published once at least 10 days prior to election.~~

(Amend. of 11-8-05, Prop. No. 11; Repealed by Amend. of 11-5-24)

SEC. 16. ADOPTION OF CODES.

The city council may adopt technical codes, manuals or other recognized standards by reference, so long as the same, with any amendments, are on file with the city secretary. When so adopted they shall be considered the same as though fully set out in the ordinance adopting the same.

CHAPTER XIX. ASSESSMENT AND COLLECTION OF TAXES

(Renumbered by Amend. of 6-12-73, Prop. No. 43)

SEC. 1. PROPERTY SUBJECT TO TAXATION.

All property, real, personal or mixed, lying and being within the corporate limits of the city on the first day of January, shall be subject to taxation, excepting such property as may be exempt from taxation under the Constitution, and the laws of the State of Texas. Pursuant to the Texas Tax Code, the chief appraiser of the appraisal districts of the counties in which the City of Dallas is located on or before the 25th day of July of each year shall make and return to the city council a full and complete list and assessment of all property, both real and personal, held, owned or situated in the city on the first day of January of each year and not exempt from municipal taxation. (Amend. of 4-2-83, Prop. No. 5; Amend. of 11-4-14, Prop. No. 4)

SEC. 2. LEVY AND COLLECTION.

The city council shall have full power to provide by ordinance for the prompt collection of taxes assessed, levied and imposed under the Charter, and is hereby authorized to enforce the collection of same against all property subject to taxation and the owners thereof as provided by law. Unless otherwise provided by ordinance and the Charter, all property in the city liable to taxation shall be assessed in accordance with the provisions of the general laws of the state insofar as applicable.

SEC. 3. SUPPLEMENTAL ASSESSMENT.

If it is discovered that any real or personal property has been omitted from the tax appraisal rolls for the City of Dallas, the property will be added to the rolls and taxes, with any penalties and interest, will be

assessed and collected on the property in accordance with the Texas Property Tax Code, as amended. (Amend. of 4-2-83, Prop. No. 5; Amend. of 5-3-97, Prop. No. 12)

SEC. 4. TAXATION OF FRANCHISES.

All rights, privileges, and franchises heretofore or hereafter granted to and held by any person, firm, corporation, or other business entity in the streets, alleys, highways, or public grounds or places in the city shall be subject to taxation by the city separately from and in addition to the other assets of such person, firm, corporation, or other business entity, and the city council may require the rendition and assessment thereof accordingly. (Renumbered by Amend. of 4-2-83, Prop. No. 5; Amend. of 11-8-05, Prop. No. 9)

SEC. 5. IRREGULARITY SHALL NOT INVALIDATE.

No irregularity in the time or manner of making or returning the city assessment rolls or the approval of such rolls shall invalidate any assessment. (Renumbered by Amend. of 4-2-83, Prop. No. 5)

SEC. 6. RENDITION.

All property, real and personal, shall be rendered for taxation by the owner of the property or the owner's agent, as provided by the laws of the state. (Amend. of 4-2-83, Prop. No. 5; Amend. of 11-8-05, Prop. No. 13)

SEC. 7. TAX LIEN; LIABILITY FOR TAXES.

~~— A lien is hereby created on all property, personal and real, in favor of the City of Dallas, for all taxes, ad valorem, occupation or otherwise. Said lien shall exist from January 1 in each year until the taxes are paid. Such lien shall be prior to all other claims, and no gift, sale, assignment or transfer of any kind, or judicial writ of any kind, can ever defeat such lien, but the tax~~

~~assessor and collector may pursue such property, and whenever found may seize and sell enough thereof to satisfy such taxes.~~

~~— In the event that personal property of the taxpayer is delivered into the actual or constructive possession of a receiver, trustee, or other person because of insolvency, bankruptcy, receivership or otherwise, between January 1 and the date that the taxes are actually levied, then and in that event the amount of the taxes due shall be the same as was levied for the prior year for the same property and shall be secured by a lien in that amount.~~

~~— All persons or corporations owning or holding personal property or real estate in the city on the first day of January of each year shall be liable for all municipal taxes levied thereon for such year.~~

~~— The personal property of all persons owing any taxes to the city is hereby made liable for all of said taxes, whether the same be due upon personal or real property, or upon both.~~

A lien is hereby created on all property, personal and real, in favor of the City of Dallas, for all taxes, ad valorem, occupation or otherwise. Said lien shall exist from the earlier of 30 days after the tax is due or January 1 of each year until the taxes are paid. Such lien shall be prior to all other claims, and no gift, sale, assignment or transfer of any kind, or judicial writ of any kind, can ever defeat such lien, but the tax assessor and collector may pursue such property, and whenever found may seize and sell enough thereof to satisfy such taxes.

In the event that personal property of the taxpayer is delivered into the actual or constructive possession of a receiver, trustee, or other person because of insolvency, bankruptcy, receivership or otherwise, before the taxes are actually levied, then and in that event the amount of the taxes due shall be the same as was previously levied for the same property and shall be secured by a lien in that amount.

All persons or corporations owning or holding personal property or real estate in the city from the date the lien exists shall be liable for all municipal taxes levied thereon.

The personal property of all persons owing any taxes to the city is hereby made liable for all of said

taxes, whether the same be due upon personal or real property, or upon both. (Amend. of 4-2-83, Prop. No. 5; Amend. of 11-5-24)

SEC. 8. SEIZURE TO PREVENT REMOVAL.

If anyone against whom a personal tax is assessed, which is due and unpaid, whether the tax is delinquent or not, has moved out of the city or is about to move out of the city, or has removed or is about to remove his or her personal property out of the city, it shall be the duty of the tax assessor and collector to proceed at once and collect such taxes by seizure and sale of any personal property of such person to be found in the city, or anywhere in the State of Texas. (Amend. of 4-2-83, Prop. No. 5; Amend. of 11-8-05, Prop. No. 13)

SEC. 9. PLACE OF PAYMENT; DEMAND UNNECESSARY.

All taxes shall be payable at the office of the tax assessor and collector, Dallas, Dallas County, Texas. No demand for such taxes shall be necessary but it is

SEC. 10. BOND REGISTER.

The city council shall keep or cause to be kept for and on behalf of the city a complete bond registry and set of books, showing all bonds issued, the date and amount thereof, the rate of interest, maturity, type, etc., of all bonds or other indebtedness incurred under the provisions of the Charter, and all other transactions of the city council having reference to the refunding of the indebtedness of the city. When bonds or their coupons are paid, their payment or cancellation shall be noted in said registry, and the books so required shall be safely kept among the records of the city manager. (Amend. of 6-12-73, Prop. No. 35)

SEC. 11. MISAPPLICATION OF BOND FUNDS.

Any officer of the city who shall willfully or knowingly divert or use any funds arising from the issuance of any bonds or any sinking fund for any other purpose except that for which the fund is created or are herein otherwise authorized, shall be deemed guilty of a misapplication of public funds and subject to prosecution as provided under the laws of the State of Texas for the diversion and conversion of funds belonging to any of the municipalities of the state.

SEC. 12. BIDDING; SALE.

When the sale of bonds is in response to a request for bids, the bids may be opened and the bonds sold on the same day, whether at a regular or special meeting of the city council.

CHAPTER XXII. PUBLIC CONTRACTS

(Renumbered by Amend. of 6-12-73, Prop. No. 43)

SEC. 1. SIGNATURES AND APPROPRIATIONS.

No contract, other than purchase orders for supplies and equipment and change orders authorized in accordance with Section 6, Chapter XXII of this Charter, shall be deemed executed on behalf of the city nor shall it be binding upon the city unless it has first been signed by the city manager and approved as to form by the city attorney. The expense thereof shall be charged to the proper appropriation. Whenever the contract charged to any appropriation equals the amount of said appropriation, no further contracts shall be signed. The publication of an ordinance or resolution to make it effective as an ordinance or resolution in accordance with Section 7 of Chapter XVIII of this Charter does not execute the ordinance or resolution as a contract unless the ordinance or resolution expressly so provides. (Amend. of 6-12-73, Prop. No. 36; Amend. of 4-3-76, Prop. No. 7; Amend. of 4-2-83, Prop. No. 1; Amend. of 8-12-89, Prop. No. 14; Amend. of 11-4-14, Prop. No. 9)

SEC. 2. CONTRACT LETTING.

~~—(a) All city contracts calling for or requiring the expenditure or payment of an amount required by state law to be competitively bid creating or imposing an obligation or liability of any nature or character upon the city, must first be submitted for competitive bids in accordance with this chapter. Such bids shall be based upon plans and specifications prepared for that purpose. Notice of the time and place when and where such contract shall be let shall be published in a newspaper of general circulation in the City of Dallas once a week for two consecutive weeks prior to the time set for letting such contract, the date of the first publication to be at least 14 days prior to the date set for letting said contract. Such contract shall be let to the lowest responsible bidder.~~

(a) All city contracts calling for or requiring the expenditure or payment of an amount required by state law to be competitively bid creating or imposing an obligation or liability of any nature or character upon the city, must first be submitted for competitive bids in accordance with this chapter. Such bids shall be

based upon plans and specifications prepared for that purpose. Such contract shall be let to the lowest responsible bidder.

(b) The city council shall by ordinance establish rules by which a contract may be let without city council approval; however, a contract that is required to be bid and which is let to other than the lowest bidder shall be first approved by the city council. The amount below which city council approval is not required for a contract may not be changed more often than once every 24 months.

(c) The city shall have the right to reject any and all bids. The city in the first instance may elect to perform the work involved by its own forces or by day labor, or if such contract is let for bids and all are rejected, the city may either readvertise for competitive bidding or may thereafter perform such work with its own forces or by day labor. (Amend. of 4-2-83, Prop. No. 1; Amend. of 11-5-24)

SEC. 3. PUBLIC INSPECTION OF BIDS RESERVED.

~~All bids submitted shall be sealed and shall be opened in a public place as directed by the city council, and in the presence of persons that may be designated by the city council, and shall remain open to public inspection for at least 48 hours before any award of said work is made to any competitive bidder. The provisions of this section regarding the retaining of bids 48 hours before awarding the work shall not apply to bids for the purchase of bonds.~~

(Amend. of 4-2-83, Prop. No. 1; Repealed by Amend. of 11-5-24)

SEC. 4. EMERGENCY SPENDING, ETC.

The provisions regarding competitive bidding shall not apply in the following instances:

~~(1) In case of a public calamity where it becomes necessary to act at once to relieve the necessity of the citizens or to preserve the property of the city.~~

~~(2) Where it is necessary to preserve or protect the public health of the citizens of the city.~~

(1) In case of a public calamity where it becomes necessary to act at once to relieve the necessity of the residents or to preserve the property of the city.

(2) Where it is necessary to preserve or

protect the public health of the residents of the city.

(3) In the case of unforeseen damage to public property, machinery, or equipment.

(4) Work done by employees of the city and paid for as such work progresses.

(5) The purchase of land, buildings, existing utility systems, or rights-of-way for authorized needs and purposes.

(6) Expenditures for or relating to improvements to the city's water system, sewer system, streets or drainage (any one or all) where the cost of at least one-third of which is to be paid by special assessments levied against the properties to be benefitted thereby.

(7) Where the entire contractual obligation is to be paid from bond funds or current funds, or where an advertisement for bids has previously been published (in the manner authorized by law) but the current funds or bond funds are not adequate to permit the awarding of a contract, and the city council authorizes the issuance of certificates of obligation to provide the deficiency.

(8) The sale of any public security as such term is defined in Chapter 1204 of the Texas Government Code, as amended. (Amend. of 6-12-73, Prop. No. 38; Amend. of 11-8-05, Prop. No. 13; Amend. of 11-5-24)

SEC. 5. PERSONAL SERVICES.

Competitive bidding need not be applied to contracts for personal or professional services.

SEC. 6. CHANGE ORDERS.

In the event that it becomes necessary to make changes in the plans or specifications after performance of the contract has been commenced, or it becomes necessary to decrease or increase the quantity of work to be performed, or materials, equipment or supplies to be furnished, the city council

is authorized to approve change orders effecting such changes, but the total contract price shall not be increased thereby unless due provision has been made to provide for the payment of such added cost by appropriating available funds for that purpose. This authority may be delegated to the city manager or the city manager's designee when authorized by state law. (Amend. of 6-12-73, Prop. No. 39; Amend. of 8-12-89, Prop. No. 14)

SEC. 7. PERFORMANCE AND PAYMENT BONDS.

Any prime contractor entering into a public contract with the city for the construction, alteration, or repair of any public building or structure, or for the prosecution or completion of any public work, shall be required, before commencing such work, to execute a performance bond in a good and sufficient amount, as required by law, conditioned upon the faithful performance of the work in accordance with the plans, specifications, and contract documents. The bond must be solely for the protection of the city. The contractor shall also be required, before commencing such work, to execute a payment bond in a good and sufficient amount, as required by law, solely for the protection of all claimants supplying labor and material in the prosecution of the work provided for in the contract, for the use of each claimant. The bonds must be made by a bonding company authorized to do business in the State of Texas, and legal venue for enforcement of the bonds lies exclusively in Dallas County, Texas. A resident of Dallas County must be appointed as agent for delivery of notice and service of process by the surety. (Amend. of 6-12-73, Prop. No. 40; Amend. of 5-1-93, Prop. No. 4)

SEC. 8. OTHER BONDS AND SECURITY.

(a) In addition to the two bonds mentioned in Section 7 of this chapter, the city may require that the contractor show proof of coverage by public liability and property damage insurance in an amount to be set

by the city and by the applicable workmen's compensation insurance as set forth in the Workmen's Compensation Law of the State of Texas. The contractor may be required to post any other bond or proof of insurance that the plans and specifications may require.

(b) Where the contract by the city is for the purchase of materials, supplies, machinery, equipment, or other paraphernalia not involved in the construction of public works, or the contract is for the lease, rental, franchise, or other use of personal or real property of the city, the city may require such bonds and other forms of security as it deems advisable. (Amend. of 5-1-93, Prop. No. 4)

SEC. 9. BID BOND.

Each bid submitted pursuant to a request for bids must be accompanied by a cashier's check, certified check, or unconditional letter of credit or a bid bond in the amount set by the city in the request for bids. The bid bond, if required, must be made by a bonding company authorized to do business in the State of Texas and must designate a resident agent in Dallas County. If the successful bidder fails or refuses to sign the contract for the performance of the work upon which the bid was made, the city council may require the forfeiture of the total amount of the bid bond as liquidated damages. (Amend. of 4-2-83, Prop. No. 1; Amend. of 5-1-93, Prop. No. 4)

SEC. 10. ~~CITIZENS~~ RESIDENTS GIVEN PREFERENCE IN LETTING OF CONTRACTS.

~~Qualifications, prices and quality of material being equal, citizens and business firms of Dallas shall be given preference in the awarding of all contracts over which the city has jurisdiction, direct or indirect. This section shall not be construed so as to conflict with any provision of the Charter requiring competitive bidding.~~

Qualifications, prices and quality of material being equal, residents and business firms of Dallas shall be given preference in the awarding of all contracts over which the city has jurisdiction, direct or indirect. This section shall not be construed so as to conflict with any provision of the Charter requiring

competitive bidding. (Amend. of 11-5-24)

(c) The mayor shall appoint the chair of each commission and board from among the members appointed in accordance with Subsection (b), subject to confirmation by a majority of the city council.

(d) It is the policy of the city to include persons of all races and ethnicity in the affairs of city government. Accordingly, the city council shall, as nearly as may be practicable, cause the membership of commissions and boards to reflect the racial and ethnic makeup of the city's population. (Amend. of 4-3-76, Prop. No. 2; Amend. of 8-12-89, Prop. No. 1; Amend. of 11-8-05, Prop. No. 7; Amend. of 11-4-14, Prop. No. 9)

SEC. 14. BONDS OF OFFICERS AND EMPLOYEES.

The city council may require any of the officers and employees of the city, before entering upon the duties of their office, to execute a good and sufficient bond with a surety company doing business in the State of Texas, as approved by the city council. The bonds shall be in such amount as the council may demand, payable to the City of Dallas, and conditioned for the faithful performance of the duties of the office. The premium on such bonds shall be paid by the city. Bonds shall be required of the city manager, the chief financial officer, the city controller, the purchasing agent, and the municipal court clerk. (Amend. of 4-2-83, Prop. No. 6; Amend. of 11-8-05, Prop. No. 8)

SEC. 15. TERMINATION NOTICE OF COUNCIL APPOINTEES.

All employees appointed directly by the city council shall be given 30 days notice prior to termination of employment, except when dismissed for misconduct in office.

SEC. 16. LOCAL SELF-GOVERNMENT.

The enumeration of powers made in this Charter shall never be construed to preclude, by implication or otherwise, the city from exercising the powers incident

to the judgment of local self-government, nor to do any and all things not inhibited by the Constitution and laws of the State of Texas.

SEC. 17. BOARD AND COMMISSION MEMBERS.

(a) Other than members of the city council, no person shall be appointed to more than two permanent boards or commissions of the City of Dallas at any one time. Any member of any commission or board appointed by the city council shall forfeit that office if the member misses more than three regular meetings in succession, unless for medical reasons certified to by a physician or unless excused by the board or commission of which he or she is a member and the city council. In such case, the city council shall declare the position vacant and appoint a new member to fill the vacancy.

~~(b) A member of any commission or board appointed by the city council may be removed from office for any cause deemed by the city council sufficient for removal in the interest of the public, but only after a public hearing before the city council on charges publicly made, if demanded by such member within 10 days.~~

(b) Upon initiation of the councilmember who occupies the city council place of the nominating councilmember, the city council may, by a majority vote, replace a board or commission member prior to completion of the member's two-year term. (Amend. of 11-8-05, Prop. No. 13; Amend. of 11-5-24)

SEC. 18. EMPLOYEES' WAGES.

The wages, hours and conditions of employment of any and all of the city employees shall be fixed and approved by the city council.

SEC. 19. REPORTS.

All departments and boards of the city shall furnish such reports in the form prescribed as may be requested by the city manager or the city council concerning the activities of that department or board.

implementation of the amendment, if voting rights review is required for the amendment. (Amend. of 8-12-89, Prop. No. 1) *[NOTE: The wording and structure of this section may appear unusual or incomplete because of selective preclearance by the United States Justice Department of the August 12, 1989 charter amendments to this section].*

SEC. 21[A]. SAVINGS PROVISION.

The repeal of any provision, section or chapter of any charter by the amendments to this Charter shall not affect or impair any act done or obligation, right, license, permit or penalty accrued or existing under the authority of the provision, section or chapter repealed. Such provision, section or chapter shall be treated as still remaining in force for the purpose of sustaining any proper action concerning any such obligation, right, license, permit or penalty. In addition, any franchise, contract, permit or license obtained under any provision, section or chapter repealed by any amendments to this Charter shall remain effective for the term and under the conditions prescribed by the repealed portion under which the franchise, contract, permit or license was granted or issued; provided that if the franchise, contract, permit or license provides that the same shall be governed by the Charter of the City of Dallas, as amended, then the amended section shall control.

All civil and criminal ordinances and all resolutions of a general and permanent nature in force and effect when this Charter or any amendment thereto shall become effective, which are inconsistent or in conflict with this Charter or any amendment thereto, are hereby repealed except as herein provided. Where any such civil or criminal ordinance or resolution of a general and permanent nature in force and effect when this Charter or any amendment thereto, shall become effective is consistent with and not in conflict with the provisions hereto, same shall continue in full force and effect unimpaired by the provisions hereof.

SEC. 22. DALLAS FREEDOM ACT.

(a) This policy in this section shall be known as the Dallas Freedom Act.

(b) Pursuant to the home rule authority of the Texas Constitution, to promote the health, safety, and general welfare of the people of Dallas, Texas, the voters of Dallas hereby enact the Dallas Freedom Act, a policy to reform marijuana enforcement by city personnel, with the specific goals of carefully allocating scarce city resources, reducing the risk of discriminatory enforcement practices, and focusing city resources on the highest priority public safety concerns.

(c) Unless and until a binding act of a state or federal court requires otherwise, the Dallas Police Department shall not make any arrest or issue any citation for Class A or Class B misdemeanor marijuana possession, except in the limited cases described by this policy.

(d) In the event of a binding act of a state or federal court which would prevent the City of Dallas's fulfillment of Subsection (c), the city's policy shall be to make enforcement of Class A and Class B misdemeanor marijuana possession its lowest enforcement priority. In particular, the city shall update its annual budget, police department manual, and relevant policies and procedures to ensure that public safety resources are not wasted on misdemeanor marijuana enforcement, and are instead targeted at other programs that best promote the health, safety, and general welfare of the people of Dallas.

(e) This policy shall not limit enforcement of misdemeanor marijuana possession offenses if an offense is: (1) revealed as part of a felony narcotics investigation that has been designated as "high priority" by a commander, assistant chief of police, or chief of police; and/or (2) revealed as part of the investigation of a violent felony. Dallas police officers shall not issue any charge for misdemeanor possession of marijuana unless it meets one or more of these exceptions.

(f) In any instance governed by this policy, if a Dallas police officer has probable cause to believe that a substance is illegal marijuana, the officer may seize

the substance. If the officer seizes the substance, they must write a report explaining the grounds for seizure and release any detained person if possession of marijuana is the sole charge.

(g) A Class C misdemeanor citation for possession of drug residue or drug paraphernalia shall not be issued in lieu of a possession of marijuana charge.

(h) No city funds or personnel shall be used to request, conduct, or obtain tetrahydrocannabinol (THC) testing of any cannabis-related substance to determine whether the substance meets the legal definition of marijuana under state or federal law, except: (1) for purposes of toxicology testing to ensure public safety; or (2) the investigation of a violent felony offense.

(i) Dallas police shall not consider the odor of marijuana or hemp to constitute probable cause for any search or seizure, except in the limited circumstances of a police investigation pursuant to Subsection (e).

(j) The city manager and chief of police shall ensure that: (1) city policies and internal operating procedures are updated in accord with this policy; and (2) Dallas police officers receive adequate training concerning each of the provisions of this policy.

(k) Any violation of this policy may subject a Dallas police officer to discipline as provided by the Texas Local Government Code or as provided by city policy.

(l) The city manager, in consultation with the chief of police and other relevant city personnel, shall prepare quarterly reports concerning the implementation of this policy, to be presented to city council at a public meeting subject to the Texas Open Meetings Act, and with the first report due no later than 120 days following the effective date of this policy. Each report shall include a summary of the city's implementation of this policy and shall include specific information concerning enforcement of misdemeanor marijuana possession offenses, including total arrests made, total citations issued, estimated personnel hours used in conducting enforcement activities, and demographic information for each person charged with an offense, including age, gender, race, and ethnicity. Each quarterly report shall also be submitted to the Chair of the Community Police Oversight Board at the same time it is made available to city council.

(m) In the event that any court finds any

subsection of the Dallas Freedom Act to be unlawful or unenforceable, that subsection shall be severed from this policy and the rest shall continue in force. (Amend. of 11-5-24)

SEC. 23. PERFORMANCE DEADLINES.

If the last day for performance of an act is a Saturday, Sunday, or national, state, or local holiday, the act is timely if performed on the next regular business day. (Amend. of 11-5-24)

CHAPTER XXV. CITIZEN ENFORCEMENT

(Added by Amend. of 11-5-24)

SEC. 1. RESIDENT ENFORCEMENT.

(a) Any resident of Dallas has standing and may bring an action against the City of Dallas to require the city to comply with any of the provisions of the charter, any city ordinance or any law of the State of Texas.

(b) A claimant is entitled to recover in an action brought under this chapter:

(1) declaratory and injunctive relief against the city; and

(2) costs and reasonable attorney's fees, if the court orders injunctive or declaratory relief.

(c) The city's governmental immunity to suit and from liability is waived to the extent of liability created by the charter, city ordinance and/or Texas state law.

(d) Claimants shall notify the city of their claim not later than sixty days before the date such claimant files an action under this chapter. The notice must reasonably describe the charter provision, ordinance, or state law that the claimant believes has been or may be violated.

(e) "Resident" shall mean any person who resides in the City of Dallas, and any firm, corporation, limited liability company, joint venture, trust, estate, nonprofit, or association which is physically located in or otherwise conducts business in the City of Dallas.

(f) If any section, paragraph, clause, or provision of this section is for any reason held to be invalid or unenforceable, the invalidity or unenforceability of that section, paragraph, clause, or provision shall not affect any of the remaining provisions of this section, and to this end, the provisions of this section are declared to be severable. This section shall supersede the Dallas City Code to the extent there are any conflicts. (Amend. of 11-5-24)

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(D) a demolition lien;

(E) a closure lien;

(F) a lien imposed for civil penalties assessed by the municipal court or the former urban rehabilitation standards board against a structure found to be an urban nuisance;

(G) an abstract of judgment for civil penalties, court costs, and attorney’s fees assessed on property by a court of competent jurisdiction;

(H) a weed cutting lien; and

(I) a promissory note secured by any of the liens described in this subsection; and

(2) a lien on property that, upon investigation, is determined to have been placed in error by the department concerned.

(c) Each release executed under Subsection (b) must refer to this section by number, and this section will be the authority for the release. The release may, but is not required to, be attested by the city secretary. The head of the department concerned shall provide the executed and acknowledged release to the property owner. Unless otherwise required by law or contract, the property owner is responsible for recording the release at his or her own expense, except that the head of the department concerned shall promptly file in the official real property records of the county in which the property is located an executed release of any lien placed in error by the department concerned.

(d) All instruments concerning the conveyance or release of an interest in real property heretofore executed pursuant to a resolution of the city council are in all respects ratified and confirmed as the action of the city council the same as though separately authorized by ordinance. (Ord. Nos. 10893; 11424; 16024; 26517)

SEC. 2-11.2. ACCEPTANCE OF CONVEYANCE OR ACQUISITION BY EMINENT DOMAIN WHERE CONSIDERATION IS ~~\$10,000~~ \$100,000 OR LESS.

~~—(a) The city manager is authorized to accept and approve on behalf of the city any legal instrument executed by any person, which grants, gives, conveys, quitclaims, or releases any right in real property, whether such right is fee simple or any lesser title, estate, or right, where the total consideration to be paid by the city for the title, estate, or right is \$10,000 or less.~~

(a) The city manager is authorized to accept and approve on behalf of the city any legal instrument executed by any person, which grants, gives, conveys, quitclaims, or releases any right in real property, whether such right is fee simple or any lesser title, estate, or right, where the total consideration to be paid by the city for the title, estate, or right is \$100,000 or less.

(b) The city manager is authorized to acquire any title, estate, or right in real property by settlement, acceptance of a commissioner’s award, or payment of a court judgment if:

(1) the city council has previously authorized eminent domain proceedings on the real property; and

~~—(2) the total consideration to be paid by the city for the title, estate, or right in the real property is \$10,000 or less.~~

(2) the total consideration to be paid by the city for the title, estate, or right in the real property is \$100,000 or less.

(c) Any such grant, gift, conveyance, quitclaim, release, settlement, acceptance of a commissioner’s award, or payment of a court judgment mentioned in this section must be approved by:

(1) the head of the city department concerned;

(2) the city attorney; and

(3) the city controller, if the amount of cash consideration to be paid by the city exceeds \$10. (Ord. Nos. 12734; 15279; 17131; 19875; 20951; 32911)

modified, by city council resolution, with respect to a particular parcel of land. (Ord. 28684)

SEC. 2-25. TYPE OF CONVEYANCE.

The city attorney shall determine the type of conveyance or other instrument to be executed by the city prior to the initiation of formal bid procedures or public auction procedures, and this information may be included in the notice when necessary. (Ord. Nos. 17259; 28684)

SEC. 2-26. BIDDER INFORMATION.

A bidder for the purchase of real property or an interest in real property from the city, whether bidding through formal bid procedures or at a public auction, must state the full name of the prospective purchaser as it should appear in an instrument of conveyance. If a bid is made on behalf of another person, firm, trust, partnership, association, or corporation, disclosure of the facts relating to the agency may be required by the city manager. Failure to furnish the information upon request, before or after bid acceptance, is grounds for rejection of a submitted or accepted bid. (Ord. Nos. 17259; 28684)

SEC. 2-26.1. CITY MANAGER RECOMMENDATION AND AWARD OF SALE.

(a) Formal bid procedures and negotiated sales. After receipt and tabulation of bids using formal bid procedures or after reaching agreement for a negotiated sale under Section 2-24 of this division, the city manager shall make a recommendation to the city council. The city council may act by resolution to award or reject the sale. Upon approval, the city attorney shall prepare and the city manager shall execute an appropriate instrument of conveyance.

(b) Public auction.

(1) After receipt and tabulation of bids at a public auction under Section 2-24.1 of this division, the city manager shall determine whether the highest qualifying bid equals or exceeds the reserve amount established by the city council for the real property.

(2) If the highest qualifying bid at the public auction equals or exceeds the reserve amount established for the property, the city manager may, without further council action, execute with the successful bidder a purchase and sales agreement and an appropriate instrument of conveyance, as prepared by the city attorney.

(3) If the highest qualifying bid is less than the reserve amount established for the property, the city manager shall make a recommendation to the city council, and the city council may, by resolution, accept or reject the sale. Upon approval of a sale by the city council, the city attorney shall prepare and the city manager shall execute a purchase and sales agreement and an appropriate instrument of conveyance.

(4) For purposes of this subsection, "highest qualifying bid," means the highest bid received from a prospective purchaser who is financially capable of purchasing the property and meets all qualifications established by the city for ownership of the property. (Ord. Nos. 17259; 28684)

SEC. 2-26.2. ABANDONMENT OF PUBLIC RIGHTS-OF-WAY.

(a) Application by property owner. A property owner whose property abuts a public right-of-way may apply to the city manager for abandonment, in whole or in part, of the abutting right-of-way. An application must be accompanied by:

~~(1) a nonrefundable application fee of \$4,595, plus recording fees;~~

(1) a nonrefundable application fee of \$5,000, plus recording fees;

~~(1) Fee for a street, alley, or storm water management area abandonment: an amount equal to the square footage of the area abandoned x the market value of the area per square foot, or a \$7,800 processing fee, whichever is greater. If property rights are retained by the city, the appraiser may, if warranted, discount the market value up to, but not exceeding:~~

(1) Fee for a street, alley, or storm water management area abandonment: an amount equal to the square footage of the area abandoned x the market value of the area per square foot, or a \$11,150 processing fee, whichever is greater. If property rights are retained by the city, the appraiser may, if warranted, discount the market value up to, but not exceeding:

(A) 15% for a full abandonment with any encumbrance or easement retained;

(B) 30% for an air rights abandonment;

(C) 70% for a subsurface rights abandonment; and

(D) 85% for an air rights abandonment deed restricted against use.

~~(2) Fee for an abandonment of a utility or drainage easement originally dedicated to the city at no cost: \$7,800 processing fee, plus \$1,000 for each easement in excess of five being abandoned.~~

(2) Fee for an abandonment of a utility or drainage easement originally dedicated to the city at no cost: \$11,150 processing fee, plus \$1,000 for each easement in excess of five being abandoned.

(3) Fee for an abandonment of a utility or drainage easement originally purchased by the city: an amount equal to the greatest of:

(A) the square footage of the area abandoned x the market value of the area per square foot x 50%;

(B) the square footage of the area abandoned x the per-square-foot purchase price of the easement when originally purchased by the city; or

~~(C) a \$7,800 processing fee.~~

~~(4) Fee for an abandonment of a street, alley,~~

~~or storm water management area originally dedicated at no cost to the city when the original dedicator applies for abandonment before the sale of abutting property has been made: \$7,800 processing fee.~~

(C) a \$11,150 processing fee.

(4) Fee for an abandonment of a street, alley, or storm water management area originally dedicated at no cost to the city when the original dedicator applies for abandonment before the sale of abutting property has been made: \$11,150 processing fee.

(g) Other abandonment regulations. The following regulations govern abandonment of public rights-of-way when applicable:

~~(1) If additional property owned by an applicant in the area of the proposed abandonment is needed by the city for public streets or other public purposes, the applicant may be allowed a square foot for square foot credit against the area to be abandoned. If the area dedicated to the city exceeds the area abandoned, the applicant will be charged only a \$4,250 application fee, a \$5,400 processing fee, and recording fees.~~

(1) If additional property owned by an applicant in the area of the proposed abandonment is needed by the city for public streets or other public purposes, the applicant may be allowed a square foot for square foot credit against the area to be abandoned. If the area dedicated to the city exceeds the area abandoned, the applicant will be charged only a \$5,000 application fee, a \$11,150 processing fee, and recording fees.

(2) An applicant will not be allowed a credit against the proposed abandonment for the dedication of a utility easement or the conversion of a right-of-way to a utility easement.

(3) An applicant will not be allowed a credit against the proposed abandonment for conversion of a right-of-way to a private street, private alley, or private drive, except when allowed under Subsection (h) of this section.

(4) The fees and procedures specified in this section, except for the processing fees required by Subsections (f), (g)(1), and (h)(4), may be waived or modified for a particular parcel of land upon approval

successors, and assigns, shall become liable for all of the terms and conditions of the abandonment ordinance.

~~(4) Before the city council authorizes the abandonment of all or part of a public right-of-way for conversion to a private street, private alley, or private drive for which a credit is allowed under this subsection, the applicant shall pay a fee of \$5,400 for processing the transaction, plus all applicable application, appraisal, and recording fees.~~

(4) Before the city council authorizes the abandonment of all or part of a public right-of-way for conversion to a private street, private alley, or private drive for which a credit is allowed under this subsection, the applicant shall pay a fee of \$11,150 for processing the transaction, plus all applicable application, appraisal, and recording fees. (Ord. Nos. 17642; 18056; 19455; 19875; 23345; 24051; 24057; 25048; 25651; 26598; 27980; 28684; 29477; 32310; 32863; 32926)

SEC. 2-26.3. RESERVED.

(Repealed by Ord. No. 23694)

Division 2. Alternate Manner of Sale of Real Property to Nonprofit Organizations for Affordable Housing.

SEC. 2-26.4. PURPOSE.

(a) It is the intent of the city council in adopting this division to establish, in accordance with Section 253.010 of the Texas Local Government Code, as amended, an alternate manner of sale of tax-foreclosed and seized real property to nonprofit organizations to provide for affordable housing in the city.

(b) Nothing in this division may be construed to require the city council to approve the sale of land to a nonprofit organization, to approve zoning changes for the land, or to provide funding for any proposal submitted under this division. (Ord. Nos. 23713; 24046; 25443)

SEC. 2-26.5. DEFINITIONS.

In this division:

(1) AFFORDABLE HOUSING means:

(A) owner-occupied housing that:

(i) is sold or resold under this division to a low-income individual or family; and

(ii) has a purchase price and an estimated appraised value at acquisition that does not exceed 95 percent of the "HUD 203B" maximum mortgage amounts established and published annually by HUD in Part 203, Title 24 of the Code of Federal Regulations, as amended; or

(B) renter-occupied housing for which housing expenses do not exceed HUD fair market rents, as defined in Part 888, Title 24 of the Code of Federal Regulations, as amended.

(2) DIRECTOR means the director of the department designated by the city manager to administer this division, or the director's authorized representative.

(3) HUD means the United States Department of Housing and Urban Development.

(4) LAND or PROPERTY means any real property that has been acquired by the city, for itself or as trustee for any other taxing unit, pursuant to Chapters 33 and 34 of the Texas Property Tax Code, as amended, by:

(A) foreclosure of a tax lien; or

(B) seizure.

(5) LAND ASSEMBLY PROGRAM means a city program established by Resolution No. 97-1504, as amended, that provides for the sale of tax-foreclosed

ARTICLE V-c.

DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS.

SEC. 2-48. CREATED; DIRECTOR OF TRANSPORTATION AND PUBLIC WORKS.

—(a) There is hereby created the department of public works of the city of Dallas, at the head of which shall be the director of public works who shall be appointed by the city manager. The director must be an engineer registered to practice in the State of Texas or registered in another state with reciprocal rights, or possess an equivalent combination of education and experience. The department will be composed of the director of public works and such other assistants and employees as the city council may provide by ordinance upon recommendation of the city manager.

—(b) Whenever the director or department of public works and transportation is referred to in this code or any other city ordinance, rule, or regulation, the term means the director or department of public works, or any other director or department of the city to which certain former public works and transportation functions or duties have been transferred by the city council or city manager.

(a) There is hereby created the department of transportation and public works of the city of Dallas, at the head of which shall be the director of transportation and public works who shall be appointed by the city manager. The director must be a person professionally competent by experience and training to manage the department, and be an engineer registered to practice in the State of Texas or registered in another state with reciprocal rights, a planner, or possess an equivalent combination of education and experience. The department will be composed of the director of transportation and public works and such other assistants and employees as the city council may provide by ordinance upon recommendation of the city manager.

(b) Whenever the director or department of public works and transportation is referred to in this code or any other city ordinance, rule, or regulation, the term means the director or department of transportation and public works, or any other director

or department of the city to which certain former public works and transportation functions or duties have been transferred by the city council or city manager. (Ord. Nos. 30654; 32864)

SEC. 2-49. DUTIES OF THE DIRECTOR OF TRANSPORTATION AND PUBLIC WORKS.

—The director of public works shall perform the following duties:-

—(1) Supervise and administer the department of public works:

The director of transportation and public works shall perform the following duties:

(1) Supervise and administer the department of transportation and public works.

(2) Supervise the engineering, opening, construction, and paving of all streets, boulevards, alleys, sidewalks, and public ways, except when the work is being done by a private developer.

(3) Supervise the engineering and construction of the storm sewers and storm drainage systems associated with a paving project, except when the work is being done by a private developer.

(4) Approve the location of equipment and facilities installed under, on, or above the public right-of-way.

(5) Provide for the maintenance and repairs of streets, alleys, medians, and public rights-of-way, as designated by the city manager.

(6) Provide for street hazard and emergency response.

(7) Supervise the engineering and construction of the storm sewers and storm drainage systems associated with a paving project, except when the work is being done by a private developer.

(8) Provide for the maintenance and repair of traffic control devices and street lights, as designated by the city manager.

(9) Manage neighborhood traffic calming, construction zone traffic, and block parties.

(10) Plan, design, construct, maintain, and operate, by contract or with city employees, the public lighting system that illuminates highways, streets, and other public ways in the city, except as provided otherwise by the city manager, the city charter, or ordinance or resolution of the city council.

(11) Supervise the engineering, planning, and construction, of all traffic signals, school flashers, dynamic message signs, striping, and signing on public rights-of-way.

(12) Develop and recommend to the city manager a comprehensive transportation plan for the city.

(13) Review and make recommendations regarding proposed actions implementing the transportation plan.

(14) Coordinate with DART, TxDOT, and other entities for the planning, construction, and maintenance of all transportation-related improvements within the city.

(15) Supervise the Thoroughfare Plan amendment process and supervise the implementation of the Dallas Bike Plan.

(16) Supervise the coordination of engineering and construction of traffic signals, streetlights, and associated transportation operations elements when the work is being done by a private developer.

(17) Perform such other duties as may be required by the city manager or by ordinance of the city council. (Ord. Nos. 30654; 32002; 32789; 32864)

SEC. 2-137. DUTIES OF DIRECTOR OF INFORMATION AND TECHNOLOGY SERVICES.

The director of information and technology services shall perform the following duties:

(1) Provide all information services for administration of the affairs of the city of Dallas to be used in municipal operations of the city and make such reports as may be required by the city manager.

(2) Acquire, maintain, and operate all telephone and radio communications systems used in municipal operations.

(3) Obtain and maintain radio licences from the Federal Communications Commission on behalf of all city departments and ensure compliance with all applicable regulations of the Federal Communications Commission.

(4) Perform such other duties as may be required by the city manager or by ordinance of the city council. (Ord. Nos. 13718; 19312; 19679; 22026; 23694; 31333, eff. 10/1/19)

ARTICLE XVII.

DEPARTMENT OF SANITATION SERVICES.

SEC. 2-138. ~~CREATED; DIRECTOR OF SANITATION SERVICES.~~

There is hereby created the department of sanitation services of the city of Dallas, at the head of which shall be the director of sanitation services who shall be appointed by the city manager. The director must be a person professionally competent by experience and training to manage the department. The department will be composed of the director of sanitation services and other assistants and employees as the city council may provide by ordinance upon recommendation of the city manager. (Ord. Nos. 13718; 15004; 22026; 23666; 23694)

SEC. 2-139. DUTIES OF THE DIRECTOR OF SANITATION SERVICES.

The director of the department of sanitation services shall perform the following duties:

(1) Supervise and administer the department of sanitation services.

(2) Supervise and administer the city's solid waste collection and disposal system, which is a utility of the city and includes, but is not limited to, all facilities, equipment, services, and programs relating to the collection, removal, disposal, and processing of solid waste.

(3) Perform such other duties as may be required by the city manager or by ordinance of the city council. (Ord. Nos. 13718; 14385; 15004; 17226; 22026; 23666; 23694; 29881)

ARTICLE XVII-a.

~~DEPARTMENT OF TRANSPORTATION RESERVED.~~

~~SECS. 2-139.1 THRU 2-139.2. RESERVED.~~

~~(Repealed by Ord. No. 32864)~~

~~SEC. 2-139.1. CREATED; DIRECTOR OF TRANSPORTATION.~~

~~—There is hereby created the department of transportation of the city of Dallas, at the head of which shall be the director of transportation who shall be appointed by the city manager. The director must be a person professionally competent by experience and training to manage the department, and must be an engineer registered to practice in the State of Texas, a planner, or possess an equivalent combination of education and experience. The department will be composed of the director of transportation and other assistants and employees as the city council may provide by ordinance upon recommendation of the city manager. (Ord. Nos. 23694; 30239; 30654)~~

SEC. 2-139.2. DUTIES OF THE DIRECTOR OF TRANSPORTATION.

The director of the department of transportation shall perform the following duties:

~~(1) Supervise and administer the department of transportation.~~

~~(2) Provide for the maintenance and repair of traffic control devices and street lights, as designated by the city manager.~~

~~(3) Manage neighborhood traffic calming, construction zone traffic, and block parties.~~

~~(4) Plan, design, construct, maintain, and operate, by contract or with city employees, the public lighting system that illuminates highways, streets, and other public ways in the city, except as provided otherwise by the city manager, the city charter, or ordinance or resolution of the city council.~~

~~(5) Supervise the engineering, planning, and construction, of all traffic signals, school flashers, dynamic message signs, striping, and signing on public rights-of-way.~~

~~(6) Develop and recommend to the city manager a comprehensive transportation plan for the city.~~

~~(7) Review and make recommendations regarding proposed actions implementing the transportation plan.~~

~~(8) Coordinate with DART, TxDOT, and other entities for the planning, construction, and maintenance of all transportation-related improvements within the city.~~

~~(9) Supervise the Thoroughfare Plan amendment process and supervise the implementation of the Dallas Bike Plan.~~

~~(10) Perform such other duties as may be required by the city manager or by ordinance of the city council.~~

~~(11) Supervise the coordination of engineering and construction of traffic signals, streetlights, and associated transportation operations elements when the work is being done by a private developer. (Ord. Nos. 23694; 27697; 28424; 30239; 30654; 32002)~~

ARTICLE XVIII.

SENIOR AFFAIRS COMMISSION.

SEC. 2-140. SENIOR AFFAIRS COMMISSION - CREATED; TERMS; MEMBERSHIP; MEETINGS.

(a) There is hereby created the senior affairs commission of the city, which shall be an advisory body of 15 members. Each city council member shall appoint one member to the commission. The mayor shall appoint the chair, and the full city council shall appoint the vice-chair.

(b) Each member shall be appointed for a two-year term beginning on October 1 of each odd-numbered year. All members shall serve until their successors are appointed and qualified.

(c) Members must be at least 55 years of age and must be chosen, as far as practicable, in a manner that will represent the entire community. Members should be persons who are concerned about senior affairs in the community. Disqualification of an appointee under the minimum age requirement of this subsection may be waived by the city council after a review of the specific circumstances.

(d) The commission must meet at least once each month and may hold additional meetings at the call of the chair. (Ord. Nos. 20216; 20665; 21153; 21514; 24194; 25478; 29645)

SEC. 2-141. SENIOR AFFAIRS COMMISSION - FUNCTIONS.

(a) The senior affairs commission shall act as an advisory body to the city manager and the city council and shall:

- (1) recommend the role of the city and the commission in ensuring the provision of services to the elderly;
- (2) advise the city council as requested on elderly issues;
- (3) provide access for citizen comment on elderly issues;
- (4) assist the city in the identification of programs for the elderly that are needed in the community; and
- (5) perform other duties assigned by the city council.

(b) Staff liaison responsibilities to the commission shall be designated by the city manager. (Ord. 20216)

ARTICLE XIX.

DEPARTMENT OF HOUSING & NEIGHBORHOOD REVITALIZATION AND COMMUNITY DEVELOPMENT.

SEC. 2-142. CREATED; DIRECTOR OF HOUSING & NEIGHBORHOOD REVITALIZATION AND COMMUNITY DEVELOPMENT.

~~There is hereby created the department of housing & neighborhood revitalization of the city, the head of which shall be the director of housing & neighborhood revitalization who shall be appointed by the city manager. The department will be composed of the director of housing & neighborhood revitalization and such other assistants and employees as the city council may provide upon recommendation of the city manager.~~

There is hereby created the department of housing and community development of the city, the head of

which shall be the director of housing and community development who shall be appointed by the city manager. The department will be composed of the director of housing and community development and such other assistants and employees as the city council may provide upon recommendation of the city manager. (Ord. Nos. 17226; 22026; 27697; 30654; 32864)

SEC. 2-143. DUTIES OF THE DIRECTOR OF HOUSING & NEIGHBORHOOD REVITALIZATION AND COMMUNITY DEVELOPMENT.

~~The director of housing & neighborhood revitalization shall perform the following duties:~~

~~(1) Supervise and administer the department of housing & neighborhood revitalization.~~

The director of housing and community development shall perform the following duties:

(1) Supervise and administer the department of housing and community development.

(2) Perform such other duties as may be required by the city manager or by ordinance of the city council. (Ord. Nos. 17226; 22026; 27697; 30654; 32864)

SECS. 2-144 THRU 2-146. RESERVED.

(Repealed by Ord. Nos. 15562; 27697)

ARTICLE XX.

CITIZEN HOMELESSNESS COMMISSION.

SEC. 2-147. PURPOSE.

The purpose of this commission is to assure participation from, and inclusion of, all stakeholders, including those with past or present experience with homelessness, in order to develop policy recommendations to ensure alignment of city services with regional services to enhance efficiency, quality, and effectiveness of the community-wide response to homelessness.

SEC. 2-168. DEFINITIONS; STORMWATER DRAINAGE UTILITY RATES; EXEMPTIONS; INCENTIVES FOR RESIDENTIAL-BENEFITTED PROPERTIES; BILLING AND COLLECTION PROCEDURES.

(a) Definitions.

(1) BENEFITTED PROPERTY has the meaning assigned in Section 552.044, Chapter 552, Texas Local Government Code, as amended.

(2) CITY TAX ROLLS means the current tax records of the appraisal district in which a particular property is located.

(3) CUSTOMER OF RECORD has the meaning assigned in Section 49-1 of this code, as amended, and also includes the term customer, as assigned in Section 49-1 of this code, as amended.

(4) DIRECTOR means the director of the department designated by the city manager to manage the stormwater drainage utility or the director's designee.

(5) DRAINAGE SYSTEM has the meaning assigned in Subchapter C, Chapter 552 of the Texas Local Government Code, as amended.

(6) IMPERVIOUS AREA means any surface that prevents or substantially impedes the natural infiltration of stormwater into the ground, and includes, but is not limited to, roads, parking areas, buildings, patios, sheds, driveways, sidewalks, and surfaces made of asphalt, concrete, and roofing materials.

(7) RESIDENTIAL - BENEFITTED PROPERTY means a benefitted property that contains one of the following structures: single family (including townhouse), duplex, or multifamily with four or fewer dwelling units, as those terms are defined in the Dallas Development Code, as amended.

(8) STORMWATER means rainfall runoff, snow or ice melt runoff, or surface runoff and drainage.

(b) Stormwater drainage utility rates.

(1) The stormwater drainage charge for residential-benefitted property per month is as follows:

IMPERVIOUS AREA (in square feet)	MONTHLY RATE
up to 2,000	\$4.87 \$5.11
2,001 - 3,500	\$7.75 \$8.14
3,501 - 5,500	\$11.59 \$12.17
more than 5,500	\$18.96 \$19.91

~~(2) The stormwater drainage charge for all other benefitted properties not defined as residential-benefitted property is an amount equal to \$2.62 per month for each 1,000 square feet, or parts thereof, of impervious area of the benefitted property, with a minimum charge of \$7.49 per month for non-residential-benefitted property.~~

(2) The stormwater drainage charge for all other benefitted properties not defined as residential-benefitted property is an amount equal to \$2.75 per month for each 1,000 square feet, or parts thereof, of impervious area of the benefitted property, with a minimum charge of \$7.86 per month for non-residential-benefitted property.

(3) If information regarding the impervious area square footage of a particular lot or tract of benefitted property is unavailable or inadequate, the director may make a reasonable estimate of impervious area square footage and levy the drainage charge on that basis.

(c) Exemptions. All of the real property that requires an exemption under Subchapter C, Chapter 552 of the Texas Local Government Code, as amended, as well as the real property owned by the following are exempt from the charges prescribed in this section:

- (1) the city if used for municipal purposes;
- (2) the State of Texas; and
- (3) a public or private institution of higher education.

and 49-16 of this code, as amended, will govern in all matters regarding the application for stormwater drainage service, payment and collection of stormwater drainage charges, the liability of persons for charges, and the remedies of the city in the event of nonpayment. (Ord. Nos. 21060; 21429; 21823; 22207; 22563; 22665; 24411; 25384; 25754; 27353; 27695; 30215; 30653; 30993; 31332; 31657; 32003; 32310; 32556; 32863)

SEC. 2-169. SERVICE AREA.

The service area of the stormwater drainage utility shall be defined by the corporate boundaries of the city, as those boundaries are altered from time to time in accordance with state law and the charter and ordinances of the city. (Ord. Nos. 21060; 30215)

ARTICLE XXIX.

VETERAN AFFAIRS COMMISSION.

SEC. 2-170. VETERAN AFFAIRS COMMISSION - CREATED; TERMS; MEMBERSHIP; MEETINGS.

(a) There is hereby created the veteran affairs commission of the city, which shall be an advisory body of 15 members. Each city council member shall have one appointment to the veteran affairs commission. The mayor shall appoint the chair from among the members, subject to confirmation by the city council, and the full city council shall appoint the vice-chair.

(b) All members shall be appointed for an initial term to expire on September 30, 2021. Thereafter, nominations shall begin in August 2021 and each subsequent odd-numbered year, and members appointed shall serve a two-year term beginning on October 1.

(c) The veteran affairs commission will represent the city's military veteran community. The veteran affairs commission must have a balanced membership

reflecting an outstanding interest in or knowledge of veterans' affairs, including having knowledge about veterans' concerns, or being affiliated with a service provider to veterans, and at least four members must be currently serving or have previously served in the United States military (including the Reserves or National Guard).

(d) The veteran affairs commission shall hold monthly meetings or as often as may be necessary. The chair, with assistance of staff, shall schedule and determine the agenda for such meetings. (Ord. 31746)

SEC. 2-171. VETERAN AFFAIRS COMMISSION - FUNCTIONS.

(a) The veteran affairs commission shall act as an advisory body to the city manager and the city council and shall:

(1) evaluate and recommend programs, policies, and practices designed to alleviate veterans' difficulties in meeting basic needs, obtaining housing, employment, and comprehensive mental health assistance;

(2) act as a central clearinghouse for information relating to the status of veterans in the Dallas community;

(3) accumulate information about the needs of veterans in the Dallas community, including available services, and make recommendations to the city council regarding these needs;

(4) recommend ways to:

(A) educate the community on:

(i) the status of veterans' rights and needs; and

(ii) veterans' contributions to our community; and

outgoing passengers in aircraft, employees of the city whose duty it is to perform services in connection with the maintenance and operation of the airport, and other persons as may be authorized to enter thereon by reason of their official duties in connection with the maintenance, inspection, and operation of aircraft and the airport. (Ord. Nos. 8213; 14384; 31690)

SEC. 5-19. SALE OF PRODUCTS AT AIRPORTS; LICENSE OR PERMIT.

No person shall enter any airport for the purpose of offering for sale or selling any goods, wares, or merchandise unless he has first obtained the appropriate license or permit from the director. (Ord. Nos. 8213; 14384; 24859; 31690)

SEC. 5-20. RESERVED.

(Repealed by Ord. 31690)

ARTICLE II.

TRANSPORTATION SERVICES.

SEC. 5-21. DEFINITIONS.

In this article, unless the context requires otherwise,

~~(1) AVI TAG means a nontransferable electronic vehicle identification tag issued by the North Texas Tollway Authority that is registered with the department of aviation's Transportation Regulation Division and may be used to charge trip fees for transportation services at the airport.~~

(1) AVI TAG means a nontransferable electronic vehicle identification tag issued by the North Texas Tollway Authority that is registered with the department of transportation and public works' - Transportation Regulation Division and may be used to charge trip fees for transportation services at the airport.

(2) CERTIFICATE OF REGISTRATION means a certificate authorizing a company to provide transportation services at the airport.

(3) CHARTERED BUS means a bus service for the transport of persons belonging to a specified group at the airport that is:

(A) offered only upon a prearranged basis, the prearrangement being made at least one hour in advance of the time the transportation is to begin; and

(B) operated from locations within the city to locations either inside or outside of the city.

(4) CONCESSION CONTRACT means a contractual agreement between the city and another entity for car rental and/or parking services at the airport, under which the city receives a minimum monthly payment or percentage of the gross revenues received by the contractor for the services.

(5) COURTESY VEHICLE means any vehicle used to offer or provide courtesy vehicle services.

(6) COURTESY VEHICLE SERVICE means free transportation to and from the airport for customers by or for a business as an accessory to the main activities of the business.

(7) DECAL means a distinct adhesive sticker issued under this article authorizing the operation of a courtesy vehicle and chartered bus.

(8) DIRECTOR means the director of transportation and public works, including any subordinate specifically authorized to act on his behalf.

(9) DRIVER means an individual who drives or otherwise controls the physical movements of a transportation service vehicle.

(10) HOLDER means a person who has been granted a certificate of registration to operate a transportation service at the airport, and includes any person with an ownership interest in the transportation service.

(11) LAWFUL ORDER means a verbal or written directive issued by the director, or his appointee, in the performance of his official duties relative to the enforcement of this article and any rules or regulations promulgated under this article.

(12) OPERATE means:

(A) to be in the care, custody, or control of a transportation vehicle at the airport; or

(B) to own or be in control of a transportation service provided at the airport.

(13) OPERATING AUTHORITY means a person who is granted operating authority under Chapter 47A to provide transportation-for-hire services.

(14) OPERATOR means:

(A) the owner or driver of a transportation vehicle; or

(B) the holder of operating authority to perform transportation services at the airport.

(15) OWNER means a person:

(A) who is the legal owner of a motor vehicle;

(B) to whom a motor vehicle is registered by the state; or

(C) with whom a motor vehicle is in the care, custody, or control.

(16) TRANSPORTATION-FOR-HIRE SERVICE means the business of offering or providing transportation of persons for compensation under Chapter 47A.

(17) TRANSPORTATION-FOR-HIRE VEHICLE means any vehicle used to offer or provide transportation-for-hire services.

(18) TRANSPORTATION SERVICE means a business that operates a courtesy vehicle, transportation-for-hire vehicle, or chartered bus at the airport for the purpose of dropping off or picking up passengers on airport property.

(19) TRANSPORTATION VEHICLE means a courtesy vehicle, transportation-for-hire vehicle, or chartered bus that is used for performing transportation service at the airport.

(20) TRIP means each time a transportation vehicle accesses the curb space where passengers are picked up or dropped off at the airport.

(21) TRIP FEE means the monetary amount charged per trip to the owner or operator of a transportation vehicle in accordance with Section 5-26. (Ord. Nos. 8213; 14384; 31690; 32864)

SEC. 5-22. GENERAL AUTHORITY FOR REGULATION AND ENFORCEMENT.

(a) The director, through the Transportation Regulation Division, shall implement and enforce this article and may promulgate and enforce written rules and regulations consistent with this article governing the operation of transportation services at the airport as necessary to provide for the orderly, efficient, and convenient flow of traffic, to protect the public health and safety, and to manage the transportation system at the airport.

(b) The director, through the Transportation Regulation Division, may issue lawful orders and set and modify rules as necessary and consistent with this article. (Ord. Nos. 8213; 14384; 24859; 31690)

SEC. 5-23. OFFENSES.

(a) A person commits an offense if he performs transportation services, operates a transportation vehicle, or as a holder, allows the operation of a transportation-for-hire vehicle or chartered bus at the airport without being authorized under:

(1) a current, valid certificate of registration issued under Section 5-25;

(2) a current, valid operating authority permit issued under Chapter 47A; or

(3) a current, valid transportation network company registration with the Texas Department Licensing and Regulation.

ARTICLE VII.**LEGAL COUNSEL.**

- Sec. 12A-46. City attorney's office.
 Sec. 12A-47. ~~Division~~ Office of the inspector general.
 Sec. 12A-48. Outside legal counsel.

ARTICLE VIII.**ETHICS ADVISORY COMMISSION.**

- Sec. 12A-49. Ethics advisory commission - creation; composition, terms, and qualifications.
 Sec. 12A-50. Jurisdiction and powers.
 Sec. 12A-51. Annual report.

ARTICLE IX.**ETHICS COMPLAINTS, INVESTIGATIONS, AND EVIDENTIARY HEARINGS.**

- Sec. 12A-52. Ethics complaints and investigations.
 Sec. 12A-53. Hearing procedures.
 Sec. 12A-54. Disposition of complaint.

ARTICLE X.**ENFORCEMENT, CULPABLE MENTAL STATE, AND PENALTIES.**

- Sec. 12A-55. General.
 Sec. 12A-56. Violations; penalty.
 Sec. 12A-57. Culpable mental state.
 Sec. 12A-58. Disciplinary action.
 Sec. 12A-59. Sanctions.
 Sec. 12A-60. Prosecution for perjury.
 Sec. 12A-61. Interference with an investigation.
 Sec. 12A-62. Disqualification from contracting.
 Sec. 12A-63. Vexatious complainants.

ARTICLE XI.**ADMINISTRATIVE PROVISION.**

- Sec. 12A-64. City council review.

ARTICLE I.**DECLARATION OF POLICY AND DEFINITIONS.****SEC. 12A-1. STATEMENT OF PURPOSE AND PRINCIPLES OF CONDUCT.**

(a) Purpose. It is hereby declared to be the policy of the city that the proper operation of democratic government requires that:

(1) city officials and employees be independent, impartial, and responsible only to the people of the city;

(2) governmental decisions and policy be made using the proper procedures of the governmental structure;

(3) except as provided in the Dallas City Charter, no city official or employee shall have any financial interest, direct or indirect, or engage in any business, transaction, or professional activity; or incur any obligation of any nature that is in conflict with the proper discharge of the city official's or employee's duties in the public interest;

(4) public office not be used for personal gain; and

(5) the city council at all times be maintained as a nonpartisan body.

(b) Principles of conduct. The city council further believes that an employee or elected or appointed official of the city assumes a public trust and should recognize the importance of high ethical standards within the organization they lead or support. Essential values and ethical behaviors that an employee or elected or appointed official should exemplify include the following:

(1) Commitment beyond self.

(2) Obedience and commitment to the law.

filed with the ethics advisory commission and not made orally during a hearing but does not include a communication made pursuant to an inquiry duly authorized by the commission.

(18) FORMER CITY OFFICIAL OR EMPLOYEE means a person who has left service as a city official or employee.

(19) GIFT means a voluntary transfer of property (including the payment of money) or the conferral of a benefit having monetary value (such as the rendition of services or the forbearance of collection on a debt), unless consideration of equal or greater value is received by the donor.

(20) INFORMATION means a written statement filed with the ethics advisory commission by the inspector general alleging violation(s) of the code of ethics and contains the name of the respondent, the city rule or city code or city charter provision alleged to have been violated, the place where the violation is alleged to have been committed, the date of the alleged violation, and a description of the violation.

(21) KNOWINGLY or WITH KNOWLEDGE. A person acts "knowingly" or "with knowledge" regarding his or her conduct or to circumstances surrounding his or her conduct when the person is aware of the nature of the conduct or that the circumstances exist or should be reasonably certain to cause the result.

(22) OFFICIAL or CITY OFFICIAL includes the following persons, except when used in Article V (lobbyist regulations):

- (A) City council members.
- (B) Municipal judges.
- (C) The city manager, the chief of staff, assistant city managers, and chiefs.
- (D) The city auditor and the first assistant city auditor.

~~(E) The city attorney, the first assistant city attorney, and the inspector general.~~

(E) The city attorney and the first assistant city attorney.

(F) The city secretary and the first assistant city secretary.

(G) The inspector general.

(H) All department directors.

(I) Members of all boards, commissions, committees, and other bodies created by the city council pursuant to city ordinance or federal or state law, including bodies that are only advisory in nature.

(J) City council appointed members of boards of entities that were not created by the city council.

(K) The chief financial officer.

(L) For purposes of Chapter 12A only, a volunteer on committees or task forces formed by boards or commissions.

(23) OFFICIAL ACTION includes:

(A) any affirmative act (including the making of a formal or informal recommendation), that is within the scope of an official's or employee's duties; and

(B) any failure to act, if the official or employee is under a duty to act.

(24) OFFICIAL CAPACITY or OFFICIAL DUTIES means acting, or actions relating to matters, within the scope of employment or office, or under the official or employee's control or supervision.

(25) OFFICIAL INFORMATION includes information gathered pursuant to the power or authority of city government.

(26) PARTNER includes any partner in a general partnership, limited partnership, or joint venture.

(27) PERISHABLE FOOD OR BEVERAGES are consumable products, such as packaged foods, delivered fresh foods, including baked goods and edible gift baskets, sealed beverages, and floral arrangements.

(28) PERSONAL BENEFIT means any benefit knowingly solicited, accepted, or agreed to be accepted by another for the purpose of influencing how a city official or employee performs or refrains from performing an official action.

(29) PERSONALLY PARTICIPATED. The requirement of having "personally participated" in a matter is met only if the individual in fact exercised discretion relating to the matter. The fact that the person had responsibility for a matter does not by itself establish that the person "personally participated" in the matter.

(30) RELATIVE means a current or former spouse, domestic partner, child, stepchild, brother, sister, parent or stepparent, or a person claimed as a dependent on the city official or employee's latest individual federal income tax return.

(31) REPRESENTATION encompasses every form of communication or personal appearance in which a person, not acting in performance of official duties, formally or informally serves as an advocate for private interests. Lobbying and service as an expert witness, even on an informal basis, are forms of representation. "Representation" does not include appearance as a fact witness in litigation or other official proceedings.

(32) SOLICITATION. "Solicitation" of subsequent employment or a subsequent business opportunity includes any form of proposal or negotiation relating to employment or a business opportunity. (Ord. Nos. 24316; 24485; 27748; 28020; 30391; 32072; 32472; 32924)

ARTICLE II.

CODE OF CONDUCT; ACTIONS OF OTHERS; AND ETHICS COMMITMENTS.

Division 1. Code of Conduct.

SEC. 12A-3. FIDUCIARY DUTY.

A city official and employee, in the performance of his or her official duties, shall fulfill his or her fiduciary duty to the city. (Ord. Nos. 32072; 32472)

SEC. 12A-4. STANDARDS OF BEHAVIOR; STANDARDS OF CIVILITY.

(a) Standards of behavior. City officials and employees shall, when acting in the performance of their official duties, comply with the following standards of behavior:

- (1) To conduct themselves and to operate with integrity and in a manner that merits the trust and support of the public.
- (2) To uphold all applicable laws and regulations to protect and enhance the city's ability to accomplish its mission.
- (3) To treat others with respect, doing for and to others what the official or employee would have done for and to himself or herself in similar circumstances.
- (4) To responsibly manage taxpayer resources.
- (5) To take no actions that could benefit the official or employee personally, or his or her relative, to the detriment of the city, avoiding even the appearance of a conflict of interest, and to always exercise good judgment.

SEC. 12A-28. RESTRICTIONS ON LOBBYING.

(a) A city council member shall be prohibited from registering as a lobbyist and from lobbying city council members, or any city department, board, or commission, for one year after leaving service with the city.

(b) A city official other than a city council member who is a member of a board or commission shall be prohibited from registering as a lobbyist and lobbying that board or commission for one year after the city official's service on that board or commission has ended.

(c) A city employee, including city employees who are city officials, shall be prohibited from registering as a lobbyist and from lobbying city council members, or any city department, board, or commission, for one year after leaving employment with the city.

(d) Nothing in this section prohibits a person from lobbying on behalf of another government agency if they are employed by that governmental agency. (Ord. Nos. 30391; 32072; 32472)

ARTICLE V.

LOBBYISTS.

SEC. 12A-29. DEFINITIONS.

In this article, unless specifically provided otherwise:

(1) CITY OFFICIAL means:

(A) The mayor and city council members.

(B) The city manager, assistant city managers, and chiefs.

~~(C) The city attorney, first assistant city attorney, and inspector general.~~

(C) The city attorney and first assistant city attorney.

(D) The city secretary and first assistant city secretary.

(E) The city auditor and first assistant city auditor.

(F) The inspector general.

(G) Municipal judges.

(H) All department directors.

(I) City of Dallas appointed members to the following boards and commissions:

(i) Board of adjustment and board of adjustment alternate members.

(ii) Building inspection advisory, examining, and appeals board.

(iii) City plan commission.

(iv) Civil service board and civil service board adjunct members.

(v) Community development commission.

(vi) Dallas area rapid transit board.

(vii) Dallas-Fort Worth international airport board.

(viii) Ethics advisory commission.

(ix) Fire code advisory and appeals board.

(x) Housing finance corporation board.

(xi) Landmark commission and landmark commission alternate members.

(xi) made on behalf of an individual with regard to that individual's employment or benefits;

(xii) made by a fact witness or expert witness at an official proceeding; or

(xiii) made by a person solely on behalf of that individual, his or her spouse or domestic partner, or his or her minor children.

(9) LOBBYING FIRM means:

(A) a self-employed lobbyist;

(B) a person who has one or more employees that are lobbyists on behalf of a client or clients other than that person; or

(C) a person who has one or more employees that are lobbyists on the person's behalf and the person is the client.

(10) MUNICIPAL QUESTION means a public policy issue of a discretionary nature that is pending before, or that may be the subject of action by, the city council or any city board or commission. The term includes, but is not limited to, proposed actions or proposals for action in the form of ordinances, resolutions, motions, recommendations, reports, regulations, policies, nominations, appointments, sanctions, and bids, including the adoption of specifications, awards, grants, or contracts. The term does not include the day-to-day application, administration, and execution of city programs and policies such as permitting, platting, and design approval matters related to or in connection with a specific project or development.

(11) PERSON means an individual, corporation, association, firm, partnership, committee, club, organization, or a group of persons voluntarily acting in concert.

(12) PUBLIC SUBSIDY MATTER means any of the following:

(A) A tax abatement.

(B) A housing tax credit.

(C) An historic development tax abatement.

(D) Federal grant money administered by the city.

(E) Tax increment financing.

(F) An economic development grant or loan.

(G) The direct sale or lease of city-owned or city-controlled real property excepted from complying with the notice and bidding requirements of Texas Local Government Code Section 272.001(a) or other law.

(13) REGISTRANT means a person required to register under this article. (Ord. Nos. 27748; 27834; 30489; 32072; 32472; 32924)

SEC. 12A-30. PERSONS REQUIRED TO REGISTER AS LOBBYISTS.

(a) Except as provided by Section 12A-31, a person must register with the city secretary if the person:

(1) receives compensation of \$200 or more in a calendar quarter for lobbying;

(2) receives reimbursement of \$200 or more in a calendar quarter for lobbying; or

(3) lobbies as the agent or employee of a person who:

(A) receives compensation of \$200 or more in a calendar quarter for lobbying; or

(B) receives reimbursement of \$200 or more in a calendar quarter for lobbying.

ARTICLE VII.

LEGAL COUNSEL.

SEC. 12A-46. CITY ATTORNEY'S OFFICE.

~~— (a) The city attorney's office shall act as the legal counsel to the ethics advisory commission.~~

(a) The city attorney's office shall serve as the legal counsel to the ethics advisory commission.

(b) The city attorney's office shall serve as legal advisor to city officials and employees on matters pertaining to the code of ethics.

(1) Confidential advisory opinions.

(A) Issuance. By written request to the city attorney, any city official or employee may request a confidential advisory opinion regarding whether his or her own proposed actions or conduct would violate this chapter. The attorney assigned to draft the advisory opinion shall make all reasonable efforts to issue the advisory opinion within 10 business days after receipt of the request. The city attorney, for good cause shown, may decline to issue the opinion.

(B) Reliance. A person who reasonably and in good faith acts in accordance with a confidential advisory opinion may not be found to have violated this chapter by engaging in conduct approved in the opinion, if:

(i) the person requested the issuance of the opinion;

(ii) the request for an opinion fairly and accurately disclosed all relevant facts necessary to render the opinion; and

(iii) the person waives the attorney-client privilege with respect to the written advisory opinion.

(C) Pending confidential advisory opinions. Whenever a confidential advisory opinion has been requested regarding the proposed actions or conduct of a city official or employee, no action may be taken by the ethics advisory commission or inspector general regarding those particular actions or conduct

until the city attorney issues the confidential advisory opinion. Any time limits that the inspector general is required to follow in processing an ethics complaint regarding those particular actions or conduct will be extended to allow for the city attorney to issue the advisory opinion.

(2) General advisory opinions.

(A) Publishing. The city attorney may publish written general advisory opinions to serve as guidance to city officials and employees.

(B) Reliance. A person who reasonably and in good faith acts in accordance with a general advisory opinion published by the city attorney may not be found to have violated this chapter.

(c) If the ethics advisory commission determines that a person has violated this chapter, the city council may direct the city attorney to initiate whatever legal action is necessary, including but not limited to injunctive relief. (Ord. Nos. 32072; 32472; 32924)

SEC. 12A-47. ~~DIVISION OFFICE OF THE~~ INSPECTOR GENERAL.

~~— (a) Powers and duties. Supervised by the city attorney to lead the Division of the Inspector General in the City Attorney's Office, the inspector general serves as an independent investigative authority in regard to ethics and official misconduct. The inspector general has the following powers and duties:~~

(a) Powers and duties. The office of the inspector general serves as an independent investigative authority in regard to ethics and official misconduct. The inspector general has the following powers and duties:

(1) Seek out and initiate investigations into misconduct involving ethics, fraud, waste, abuse, and corruption of city officials, city employees, and persons doing business with the city.

(2) Receive and investigate complaints and anonymous tips alleging:

(A) violations of the laws, ordinances, and rules in Section 12A-50(a)(2); and

(B) fraud, waste, abuse, and corruption within the city.

(3) Submit quarterly reports to the ethics advisory commission, the city council, the city auditor, and the city manager detailing the findings of investigations completed by the inspector general.

(4) Prosecute alleged or suspected violations of the laws, ordinances, and rules in Section 12A-50(a)(2) before the ethics advisory commission and recommend appropriate disciplinary action.

(5) Issue subpoenas in accordance with Paragraph (b)(2).

(6) Make recommendations to the ethics advisory commission that complainants are vexatious and recommend appropriate sanctions for vexatious complainants.

~~(7) Issue advisory opinions to city officials and city employees in accordance with Subsection (d).~~

(7) Supervise a chief integrity officer to administer and manage the Integrity Officer Program.

(8) Investigate and enforce claims of retaliation in violation of this chapter.

(b) Investigations.

(1) Except as provided in this subsection, the inspector general has broad authority to initiate investigations, either as the result of a tip received, or upon observing suspicious conduct or documentation. Investigations initiated by the inspector general shall be treated as complaints received by the inspector general, following the same complaint process in Section 12A-52.

(2) For the purpose of conducting investigations authorized by this chapter, the inspector general shall subpoena witnesses and compel the production of books, papers, and other evidence material in the same manner as is prescribed by the laws of this state for compelling the attendance of witnesses and production of evidence in the corporation court. A person receiving a subpoena in accordance with this section may, before the return date specified in the subpoena, petition the corporation court for a motion to modify or quash the subpoena. Refusal to appear or to produce any document or other evidence after receiving a subpoena

pursuant to this paragraph is a violation of this chapter subject to sanctions as described in Section 2-9 of the Dallas City Code.

(3) The inspector general shall not commence or continue an investigation involving alleged conduct that is the subject of pending civil or criminal litigation, and shall instead postpone such investigation pending:

(A) the conclusion of any claim or civil litigation involving the alleged conduct; and

(B) if grand jury proceedings are anticipated, the conclusion of all grand jury proceedings relating to the alleged conduct.

~~(c) Quarterly reports. The inspector general shall submit quarterly reports to the ethics advisory commission, the city council, the city auditor, and the city manager detailing the findings and conclusions of all completed investigations, whether initiated by the inspector general or initiated as a result of a formal complaint or anonymous tip. The report shall summarize all completed investigations, including dismissals, approved settlement agreements, and the disposition of prosecutions. For investigations that have been dismissed, the reports shall not include the names of complainants or of persons investigated by the inspector general.~~

(c) Quarterly reports. The inspector general shall submit quarterly reports to the ethics advisory commission, the city council, the city attorney, the city auditor, and the city manager detailing the findings and conclusions of all completed investigations, whether initiated by the inspector general or initiated as a result of a formal complaint or anonymous tip. The report shall summarize all completed investigations, including dismissals, approved settlement agreements, and the disposition of prosecutions. For investigations that have been dismissed, the reports shall not include the names of complainants or of persons investigated by the inspector general.

~~(d) Advisory opinions.~~

~~(1) Confidential advisory opinions.~~

~~(A) Issuance. By written request to the chief integrity officer or city attorney, any city official or employee may request a confidential advisory opinion regarding whether his or her own proposed actions or conduct would violate this chapter. The attorney assigned to draft the advisory opinion shall make all reasonable efforts to issue the advisory opinion within 10 business days after receipt of the request. The city attorney, for good cause shown, may decline to issue the opinion.~~

~~(B) Reliance. A person who reasonably and in good faith acts in accordance with a confidential advisory opinion may not be found to have violated this chapter by engaging in conduct approved in the opinion, if:~~

~~(i) the person requested the issuance of the opinion;~~

~~(ii) the request for an opinion fairly and accurately disclosed all relevant facts necessary to render the opinion; and~~

~~(iii) the person waives the attorney-client privilege with respect to the written advisory opinion.~~

~~(C) Pending confidential advisory opinions. Whenever a confidential advisory opinion has been requested regarding the proposed actions or conduct of a city official or employee, no action may be taken by the ethics advisory commission or inspector general regarding those particular actions or conduct until the city attorney or chief integrity officer issues the confidential advisory opinion. Any time limits that the inspector general is required to follow in processing an ethics complaint regarding those particular actions or conduct will be extended to allow for the city attorney or chief integrity officer to issue the advisory opinion.~~

~~(2) General advisory opinions.~~

~~(A) Publishing. The inspector general, chief integrity officer, or city attorney may publish written general advisory opinions to serve as guidance to city officials and employees.~~

~~(B) Reliance. A person who reasonably and in good faith acts in accordance with a general~~

~~advisory opinion published by the inspector general,
chief integrity officer, or city attorney may not be found
to have violated this chapter.~~

(d) Integrity Officer Program.

(1) Purpose.

(A) The Integrity Officer Program provides support to city departments and offices by ensuring that city employees and persons doing business with the city comply with the Code of Ethics and adhere to all ethical standards and reporting requirements.

~~(B) The city manager, city secretary, and city auditor shall designate a liaison to assist the chief integrity officer with ethics training and the Chief Integrity Program.~~

(B) The city manager, city secretary, city attorney, and city auditor shall designate a liaison to assist the chief integrity officer with ethics training and the Chief Integrity Program.

(2) Chief integrity officer. The inspector general shall supervise a chief integrity officer to coordinate with city departments and offices to provide training related to integrity, transparency, and accountability within city government. The duties of the chief integrity officer shall include, but not be limited to, the following:

(A) Administer and manage the Integrity Officer Program under the supervision of the inspector general.

(B) Develop and implement training programs and other communication with city officials, city employees, and persons doing business with the city that reinforce ethical conduct and the requirements of the code of ethics.

~~(C) Assist the city attorney, inspector general, ethics advisory commission, and city manager on matters of ethics, including proposing amendments to the Code of Ethics and drafting confidential and general advisory opinions.~~

(C) Assist the city attorney, inspector general, ethics advisory commission, and city manager on matters of ethics, including proposing amendments to the Code of Ethics.

(D) Notify all city departments and offices of any significant amendments to the Code of Ethics.

(E) Annually distribute a plain-language guide to the Code of Ethics to all city officials, employees, and registered lobbyists.

(F) Assist the inspector general in the enforcement of the Code of Ethics.

(G) Promote a culture of ethics within the city. (Ord. Nos. 32072; 32472; 32924)

SEC. 12A-48. OUTSIDE LEGAL COUNSEL.

(a) Ethics advisory commission. An independent outside attorney, who does not otherwise represent the city, a city official, or an employee in his or her official capacity, may be appointed by the city council, at the recommendation of the city attorney, to serve as legal counsel to the ethics advisory commission for a particular case whenever:

(1) a complaint is filed relating to:

(A) an alleged violation of this chapter by a city council member; or

(B) an alleged violation of this chapter by a city employee who is a department director or of higher rank;

(2) the ethics advisory commission requests such an appointment; or

(3) the city attorney requests such an appointment for good cause shown.

(b) City official or employee charged in a complaint.

(1) Once an information is filed by the inspector general with the ethics advisory commission, a city official or employee named as the respondent in the information may retain an independent outside attorney, who does not otherwise represent the city, a city official, or an employee in his or her official capacity, approved by the city attorney to serve as the person's legal counsel for a particular case.

(2) If a city official or employee charged in a complaint retains an independent outside attorney

from an approved list provided by the city attorney, the city will pay the reasonable and necessary fees not to exceed the median hourly rate from the most recent State Bar of Texas salary survey for the Dallas-Fort Worth-Arlington metropolitan statistical area, as well as the reasonable costs of that attorney from the time the inspector general files the complaint with the ethics advisory commission through the conclusion of the evidentiary hearing. The ethics advisory commission shall review the invoice submitted by outside council and determine whether the fees and costs are reasonable and necessary in accordance with this paragraph.

(3) If the ethics advisory commission finds that the city official or employee committed a violation of this chapter, the city official or employee shall reimburse the city for the fees and expenses of an attorney retained under Paragraph (2).

~~— (c) Complaints filed against employees within the Division of the Inspector General. If a complaint is filed against the inspector general or any employee within the Division of the Inspector General, the city attorney shall retain an independent outside attorney, who does not otherwise represent the city, a city official, or the inspector general in his or her official capacity to investigate the complaint to its conclusion in accordance with Article IX.~~

(c) Complaints filed against employees within the office of the inspector general. If a complaint is filed against the inspector general or any employee within the office of the inspector general, the city attorney shall retain an independent outside attorney, who does not otherwise represent the city, a city official, or the inspector general in his or her official capacity to investigate the complaint to its conclusion in accordance with Article IX. (Ord. Nos. 32072; 32472; 32924)

ARTICLE VIII.

ETHICS ADVISORY COMMISSION.

SEC. 12A-49. ETHICS ADVISORY COMMISSION - CREATION; COMPOSITION, TERMS, AND QUALIFICATIONS.

(a) Creation and composition. There is hereby created the ethics advisory commission, to be composed of 15 members appointed by the city council as a whole. The mayor shall appoint the chair, and the full city council shall appoint two vice-chairs. Regular meetings of the commission shall be attended by a quorum of the entire 15-member commission.

(b) Evidentiary hearing panels.

(1) Once an information has been submitted to the commission for an evidentiary hearing, the city secretary shall select hearing panel members on a random basis, subject to availability, to hear and adjudicate the information. The panel chair shall meet a special qualification requirement and shall act as the presiding officer of the panel. Hearing panels must include at least one other member meeting the special qualifications requirements. Only one panel may hear and adjudicate a particular ethics complaint. If a case is withdrawn and subsequently refiled, it must be returned to the panel to which it was originally assigned.

(2) The city secretary shall randomly assign commissioners to evidentiary hearing panels, except that:

(A) an information in which the complainant or respondent is a city council member shall not be heard or adjudicated by a panel whose membership includes the commissioner nominated by that city council member; and

(B) the city secretary shall make reasonable efforts to select commissioners who did not sit on the most recent evidentiary hearing panel.

(11) PERSON means an individual, corporation, association, or other legal entity.

(12) REGULATIONS mean plans, programs, and other emergency procedures deemed essential to emergency management.

(13) RIOT means a state of violent civil disorder that causes or threatens to cause loss of life or property in the city.

(14) STATE-DESIGNATED EMERGENCY MANAGEMENT DIRECTOR means the mayor of the city as specified by executive order RP32 of the governor of the State of Texas.

(15) STATE-DESIGNATED EMERGENCY MANAGEMENT COORDINATOR means the city manager as specified in executive order RP32 of the governor of the State of Texas.

(16) VOLUNTEER means any person contributing service, equipment, or facilities to the emergency management organization without compensation. (Ord. Nos. 15983; 17226; 25834; 27697)

SEC. 14B-4. RESERVED.

(Repealed by Ord. 27697)

SEC. 14B-5. DIRECTOR OF THE OFFICE OF MANAGEMENT SERVICES - POWERS AND DUTIES.

~~The director shall coordinate the office of emergency management. The director's duties include, but are not limited to:~~

The director shall coordinate the office of emergency management and crisis response. The director's duties include, but are not limited to:

(1) coordinating the recruitment of volunteer personnel and agencies to augment the personnel and facilities of the city for emergency management purposes;

(2) developing and coordinating emergency plans for the immediate use of all of the facilities, equipment, manpower, and other resources of the city for the purpose of minimizing or preventing damage to persons and property in the event of a disaster, and for the purpose of protecting and restoring to usefulness governmental services and public utilities necessary for the public health, safety, and welfare in the event of a disaster;

(3) negotiating and concluding agreements with owners or persons in control of buildings or other property for the use of those buildings or property for emergency management purposes and designating suitable buildings as public shelters;

(4) through public informational programs, educating the civilian population as to actions necessary and required for the protection of persons and property in case of impending or present disaster;

(5) conducting rehearsals of emergency plans to ensure the efficient operation of the emergency management forces and to familiarize residents with emergency management regulations, procedures, and operations;

(6) coordinating the activity of all other public and private agencies engaged in any disaster activity within the city; and

(7) administering federal and state disaster assistance programs related to emergency management. (Ord. Nos. 15983; 17226; 25834; 27697; 32864)

SEC. 14B-6. DECLARATION OF STATE OF DISASTER.

(a) If the mayor determines that a local disaster exists, the mayor shall declare a local state of disaster and invoke emergency powers. Emergency powers may not be continued or renewed for a period in

CHAPTER 18

MUNICIPAL SOLID WASTES

ARTICLE I.

COLLECTION AND DISPOSAL.

- Sec. 18-1. Scope of chapter.
- Sec. 18-2. Definitions.
- Sec. 18-3. Regulating containers for municipal solid waste materials.
- Sec. 18-4. Regulating the collection of solid waste materials from residences and duplexes.
- Sec. 18-5. Regulating the collection and removal of solid waste materials from apartments, institutions, commercial establishments, and mobile home parks.
- Sec. 18-5.1. Collection and removal of recyclable materials from multifamily sites.
- Sec. 18-6. Regulating the collection and removal of solid waste from the downtown area.
- Sec. 18-7. Regulating the collection and removal of dead animals.
- Sec. 18-8. Solid waste materials not handled by city sanitation services.
- Sec. 18-9. Specifying charges for sanitation service.
- Sec. 18-9.1. Environmental cleanup fee.
- Sec. 18-10. Regulating the processing and disposal of solid waste materials.
- Sec. 18-11. Specifying charges for disposal of solid waste materials.
- Sec. 18-12. Regulating the collection and removal of illegally dumped solid waste materials on private premises.
- Sec. 18-12.1. Penalties for violation.

ARTICLE II.

WEEDS, GRASS, AND VEGETATION.

- Sec. 18-13. Growth to certain height prohibited; offenses.
- Sec. 18-14. Duty to prevent weeds, grass, or vegetation from becoming a nuisance or fire hazard.
- Sec. 18-14.1. Vegetation in alley, street, or sidewalk.
- Sec. 18-15. Enforcement.
- Sec. 18-16. Penalties for violation.
- Sec. 18-17. City removal of weeds and vegetation upon failure of owner, occupant, or person in control to do so; notice required.
- Sec. 18-18. Charges to be collected from the property owner; lien on premises for failure to pay charges.

ARTICLE III.

JUNKED VEHICLES.

- Sec. 18-19. Definitions.
- Sec. 18-20. Deemed public nuisance; declared unlawful.
- Sec. 18-21. Exceptions.
- Sec. 18-22. Notice to abate nuisance.
- Sec. 18-23. Motor vehicle description.
- Sec. 18-24. Trial in municipal court—Preliminaries.
- Sec. 18-25. Findings of judge; penalty.
- Sec. 18-26. Removal with permission of owner.
- Sec. 18-27. Removal from public property or occupied or unoccupied premises by court order.
- Sec. 18-28. Notice to Texas department of highways and public transportation.
- Sec. 18-28.1. Penalties for violation.

(c) Schedule of service charges.

(1) The collection service charge for a residence or duplex is as follows:

~~————— (A) Alley or curb collection service for municipal solid waste - \$37.98 per dwelling unit per month for one roll-cart, plus \$14.69 per month for each additional garbage roll-cart requested by the owner or occupant of the premises.~~

~~————— (B) Packout or drive-in collection service for municipal solid waste - \$132.29 per dwelling unit per month for one roll-cart, plus \$14.69 for each additional garbage roll-cart requested by the owner or occupant of the premises.~~

(A) Alley or curb collection service for municipal solid waste - \$39.73 per dwelling unit per month for one roll-cart, plus \$15.36 per month for each additional garbage roll-cart requested by the owner or occupant of the premises.

(B) Packout or drive-in collection service for municipal solid waste - \$138.38 per dwelling unit per month for one roll-cart, plus \$15.36 for each additional garbage roll-cart requested by the owner or occupant of the premises.

(C) Effective October 1, 2022, the owner or occupant of a dwelling unit with one rollcart for recyclable materials may request one additional rollcart for recyclable materials from the director of sanitation for no additional fee. Dwelling units with two or more rollcarts for recyclable materials may request additional rollcarts for recyclable materials for a one-time processing and handling fee for \$50.00 per rollcart, which will be applied to the dwelling unit's water account.

(2) The collection service charge for an apartment or a mobile home park that receives manual collection service from the sanitation services of the city is as follows:

~~————— (A) Alley, curb, or drive-in collection service for municipal solid waste - \$37.98 per apartment unit or mobile home space per month.~~

~~————— (B) Packout collection service for municipal solid waste - \$132.29 per apartment unit or mobile home space per month.~~

(A) Alley, curb, or drive-in collection service for municipal solid waste - \$39.73 per apartment unit or mobile home space per month.

(B) Packout collection service for municipal solid waste - \$138.38 per apartment unit or mobile home space per month.

(3) A monthly collection service charge will be made for all commercial establishments for collection service provided by the sanitation services of the city as follows:

TABLE OF MONTHLY CHARGES

(Garbage & Recycling, per Section 18-9(b)(6), more than once a week)

A multiplier will be used for multiple carts.

	NUMBER OF COLLECTIONS PER WEEK*						
	1	2	3	4	5	6	7
96-gallon RollCarts	\$40.06 <u>\$41.90</u>	\$80.12 <u>\$83.81</u>	\$120.18 <u>\$125.71</u>	\$160.24 <u>\$167.61</u>	\$200.30 <u>\$209.52</u>	\$240.36 <u>\$251.42</u>	\$280.42 <u>\$293.32</u>

(4) A monthly recycling-only collection service charge will be made for all commercial properties for weekly collection service provided by the sanitation services of the city as follows:

TABLE OF MONTHLY CHARGES

(Recycling-Only Service, Outside of the Central Business District)
 A multiplier will be used for multiple carts.

NUMBER OF COLLECTIONS PER WEEK							
	1	2	3	4	5	6	7
96-gallon RollCarts	\$26.04 \$27.24	\$52.09 \$54.48	\$78.13 \$81.72	\$104.17 \$108.95	\$130.20 \$136.19	\$156.24 \$163.43	\$182.28 \$190.67

(5) Extraordinary collection and removal service is as follows:

(A) A cost plus rate of \$60 per five cubic yards, billed in five cubic yard increments for materials set out for collection in advance or after the period designed by the director of sanitation, as described in Section 18-4(e), as amended, and for materials not included in the regular collection service as described in Section 18-8, as amended.

(B) The director of sanitation may provide an out-of-cycle collection of garbage and recyclable materials from rollcarts owned and provided by the city, upon a customer's request through the city's 311 system, for a fee of \$25 for garbage and \$25 for recyclable materials. In the event a customer submits a service request through the city's 311 system claiming regular collection services were missed, and the director of sanitation later determines through vehicle on-board camera systems that the rollcart(s) in question were not set out at the prescribed time of collection, or did not comply with the requirements of Sections 18-3 or 18-4 of this article, the director of sanitation may assess a collection fee of \$25 for garbage and \$25 for recyclable materials to the dwelling unit's water account.

(6) Miscellaneous collection service charges will be as follows:

(A) Public housing may be charged as apartments.

(B) Churches, clinics, hospitals, public buildings, and schools will be charged as commercial locations.

(7) The service charge for the collection and removal of grass cuttings from any premises is:

(A) \$1.50 per bag, if the service is performed by city sanitation services; and

(B) an amount specified by city contract, if the service is performed by a contractor selected by the city under Section 18-8(b)(3), as amended.

(8) Packout or drive-in service for certain handicapped persons meeting uniform requirements specified by the director of sanitation will be provided at the rate for alley or curb collection service. Any applicant for a reduced rate under this subparagraph who intentionally makes any misrepresentation in any written statement required by such uniform requirements is guilty of an offense and, upon conviction, is punishable by a fine not to exceed \$500.

(9) The fee for replacement of a rollcart that is lost or damaged due to a customer's negligence is \$67.90 for a garbage rollcart or \$70.81 for a recycling rollcart.

(10) Large dead animals, including but not limited to horses, cattle, and other animals of similar size, will be picked up by the city for a fee of \$125 per animal.

(11) Construction debris may be collected for a fee as part of a non-compliant brush and bulky trash collection as outlined in Section 18-4(h)(2) or as a cost plus rate as outlined in Section 18-9(c)(5). Loose or small construction debris such as roofing materials, shingles, brick, concrete, stone, drywall, insulation, glass, masonry materials, and other materials designated in writing by the director of sanitation will not be collected by the department of sanitation services.

(d) A person claiming entitlement to a refund of sanitation services paid to the city must notify the director of sanitation of the claim within 180 days from the date the disputed payment was received by the city. (Ord. Nos. 16367; 16435; 16697; 17133; 17545; 17987; 19300; 19409; 19963; 19991; 20736; 21058; 21431; 21632; 21819; 22206; 22306; 22565; 22906; 24743; 25048; 25384; 25754; 26134; 26478; 26960; 27353; 27695; 28019; 29149; 29477; 29879; 30215; 30653; 30993; 31231; 31332; 31657; 32003; 32310; 32556; 32863)

SEC. 18-9.1. ENVIRONMENTAL CLEANUP FEE.

A \$3.00 per month environmental cleanup fee will be applied to each residential and non-residential utility customer's water account to address litter and nuisance abatement from public right-of-way, homeless encampment cleanup on public right-of-way, street cleaning, and related services. This fee will include funding for solid waste related services such as public litter basket collection, bulky waste and brush drop-off sites, household hazardous waste, zero waste initiatives, and extra collections of brush due to severe storms. (Ord. No. 32863)

SEC. 18-10. REGULATING THE PROCESSING AND DISPOSAL OF SOLID WASTE MATERIALS.

(a) General regulations.

(1) A person commits an offense if he disposes of dry or wet solid waste or other waste materials inside the city, other than at a location and in a manner approved by the director of sanitation as complying with federal, state, and local law regulating solid waste processing and disposal. The owner, occupant, or person in control of premises to which illegally-deposited solid waste is traced is presumed to have illegally disposed of or caused the illegal disposal of the solid waste. If a vehicle is used to illegally dispose of solid waste, the owner of the vehicle is presumed to have illegally disposed of or authorized the illegal disposal of the solid waste. Proof of ownership of a vehicle may be made by a computer-generated record of the registration of the vehicle with the Texas Department of Public Safety showing the name of the person to whom state license plates were issued. This proof is prima facie evidence of the ownership of the vehicle by the person to whom the certificate of registration was issued.

(2) The director of sanitation shall be responsible for determining disposal procedures, authorized users, and methods of operation at municipal transfer stations and landfill sites inside the city.

(3) The director of sanitation shall have authority to approve the establishment and make inspections of non-municipal landfill sites inside the city to ensure compliance with federal, state, and local law regulating the establishment and operation of landfill sites.

(4) The director of sanitation shall have authority to regulate traffic at the city's transfer stations and landfill sites. Designated employees of the department of sanitation services shall direct traffic by voice, hand, or signal at the transfer stations and landfill sites. A person commits an offense if he fails or refuses to comply with a traffic directive of a designated employee of the department of sanitation services. A designated employee of the department of sanitation services may cause the removal from a transfer station or landfill site of any person or vehicle in violation of this paragraph.

(b) Processing and disposal of solid waste

(1) The director of sanitation shall have authority to curtail, temporarily suspend, or permanently halt any solid waste processing or disposal operation being conducted by any private person, firm, or corporation that does not conform to the requirements of city, county, state, or federal regulations pertaining to solid waste processing and disposal operations or that in any manner jeopardizes the public health, safety, and welfare. The director of sanitation shall have authority to maintain curtailment or suspension restrictions until, in the director's judgment, adequate measures have been taken to assure that removal of the restrictions will not jeopardize the public health, safety, or welfare.

(2) The director of sanitation shall have authority to cause to be rejected for processing or disposal any material that, in the director's judgment, would create a nuisance by reason of emission or disagreeable odors or would operate to make the processing or disposal facilities unwholesome or adversely affect the public health, safety, and welfare.

(c) Processing and disposal of solid waste materials by the city.

(1) A person commits an offense if he takes, removes, or carries away from any processing or disposal facility operated by the city any garbage, trash, or other solid waste material, article, thing, or object situated on the facility, whether or not the thing has monetary value, without prior written permission and approval of the director of sanitation. In prosecutions for this offense, it is not necessary to describe the thing taken, removed, or carried away other than as generally described in this subsection or as "article," "thing," or "item," and it is not necessary to allege that the thing had "value."

(2) The director of sanitation shall have authority to designate those processing or disposal sites operated by the city that will be open to public access and those that will not be open to public access. (Ord. Nos. 16367; 20599; 24743)

SEC. 18-11. SPECIFYING CHARGES FOR DISPOSAL OF SOLID WASTE MATERIALS.

(a) The following disposal service charges are established for disposing of municipal solid waste at the Northwest (Bachman) Transfer Station:

(1) Earth, rocks, and inert material will not be accepted at the station.

(2) Passenger cars, station wagons, pickups, and trailers less than 15 feet long that are used by Dallas city residents to haul their own waste from their residences to the station - no charge. (A current, valid Texas driver's license showing a Dallas address or a current Dallas water utilities bill is required as proof of residency.)

(3) Trucks or trailers with a cargo bed length of 25 feet or greater or truck-tractors with semi-trailers are prohibited from using the Northwest (Bachman) transfer station, unless specifically permitted in writing by the director of sanitation.

(4) Roll-off containers, whether open top or compactor, and compactor trucks or other trucks carrying compacted or baled refuse are prohibited from using the Northwest (Bachman) transfer station, unless specifically permitted in writing by the director of sanitation.

~~—————(5) The charge for all materials accepted at the transfer station is \$63.43 per ton based on the transfer station weighing system, with a minimum charge of \$63.43 for any load that is less than one ton. Each ton shall be assessed an additional \$2.00 per ton customer processing fee for each individual load paid and processed by a cashier upon entering the transfer station.~~

(5) The charge for all materials accepted at the transfer station is \$69.20 per ton based on the transfer station weighing system, with a minimum charge of \$69.20 for any load that is less than one ton. Each ton shall be assessed an additional \$2.00 per ton customer processing fee for each individual load paid and processed by a cashier upon entering the transfer station.

(6) Whenever the transfer station weighing system is inoperable during a delivery of solid waste

(7) Effective January 1, 2023, an environmental fee will be applied to all commercial disposal customers at \$2.00 per ton with a minimum charge of \$2.00 for any load that is less than one ton.

(b) The following disposal service charges are established for disposing of municipal solid waste at city landfill sites:

(1) Passenger cars, station wagons, pickups, and trailers less than 15 feet long that are used by Dallas city residents to haul their own waste from their residences to a city landfill site - no charge. (A current, valid Texas driver's license showing a Dallas address or a current Dallas water utilities bill is required as proof of residency.)

~~(2) Except as provided in Subsection (b)(3), the charge for all materials accepted at a city landfill site is \$38.80 per ton based on the landfill weighing system, with a minimum charge of \$38.80 for any load that is less than one ton. Each ton shall be assessed an additional \$2.00 per ton customer processing fee for each individual load paid and processed by a cashier upon entering the landfill.~~

(2) Except as provided in Subsection (b)(3), the charge for all materials accepted at a city landfill site is \$42.33 per ton based on the landfill weighing system, with a minimum charge of \$42.33 for any load that is less than one ton. Each ton shall be assessed an additional \$2.00 per ton customer processing fee for each individual load paid and processed by a cashier upon entering the landfill.

(3) Soils accepted at the city landfill that can be reused for landfill cover or other beneficial reuse projects will be charged \$3.00 per ton based on the landfill weighing system, with a minimum charge of \$3.00 for any load that is less than one ton. Each ton of soil shall be assessed an additional \$2.00 per ton customer processing fee for each individual load paid and processed by a cashier upon entering the landfill. Prior to arrival at the landfill, soil must be pre-approved through the special waste application process.

(4) Whenever the landfill weighing system is inoperable during a delivery of solid waste or soil the tonnage will be estimated by the city on the basis of the full capacity of the vehicle delivering the solid waste or soil.

(5) A fee of \$54.00 per load will be charged for the use of city equipment, when available, to off-load bundled waste by pulling it with cables, chains, or other devices. City equipment will be used at the customer's own risk, with the city assuming no liability for any resulting damage. Non-city vehicles are prohibited from pulling loads off of other vehicles at a city landfill site.

(6) The fee for use of the city's mechanical tipper to off-load tractor trailer loads is \$100.00 per use.

(7) Collection vehicles not constructed with an enclosed transport body must use nets, tarpaulins, or other devices to prevent accidental spillage. A cover fee of \$40 will be charged for any collection vehicle (other than a pickup truck) that enters the landfill without being so equipped.

(8) Tires exceeding 25 inches in diameter will not be accepted at a city landfill site.

(9) Effective January 1, 2023, an environmental fee will be applied to all commercial disposal customers at \$2.00 per ton with a minimum charge of \$2.00 for any load that is less than one ton.

(c) The director of sanitation may enter into a disposal service contract with a solid waste collection service (as defined in Section 18-29 of this chapter) to provide for volume delivery of solid waste to the landfill on an annual basis for a discounted disposal service charge, subject to the following rules and conditions:

(1) The disposal service contract must be in writing, on a form approved by the director of sanitation and the city attorney's office. The term of the contract may not be longer than five years. The contract must be authorized by administrative action and must be signed by the city manager and approved as to form by the city attorney.

(2) The disposal service contract must provide for a guaranteed annual tonnage of solid waste of not less than 5,000 tons to be disposed of at the landfill. If the landfill weighing system is inoperable during a delivery of solid waste under the contract, the tonnage will be estimated by the city on

(f) A person who refuses to pay a disposal service charge required by this section or who breaches a term or condition of a disposal service contract entered into under Subsection (c) may not deposit any waste at a city transfer station or landfill site. (Ord. Nos. 16367; 16697; 17133; 18876; 19300; 20448; 20838; 21058; 21431; 21819; 22206; 22565; 24743; 25754; 26960; 27092; 27203; 27353; 27934; 28019; 29039; 29477; 30215; 30993; 31332; 31396; 31657; 32003; 32310; 32556; 32863)

SEC. 18-12. REGULATING THE COLLECTION AND REMOVAL OF ILLEGALLY DUMPED SOLID WASTE MATERIALS ON PRIVATE PREMISES.

(a) In this section:

(1) DIRECTOR means the director of the department designated by the city manager to enforce and administer this section or the director’s authorized representative.

(2) PREMISES means the lot, plot, or parcel of land, plus the front or side parkway between the property line or sidewalk and the curb or traveled way, and the rear or side parkway between the property line and the center line of an adjacent alley.

(b) An owner, occupant, or person in control of private premises commits an offense if he places, deposits, or throws; permits to accumulate; or permits or causes to be placed, deposited, or thrown, solid waste material on those premises in a manner or location that is in violation of this article.

(c) City authorized to collect and remove solid waste materials. Upon the failure of the owner, occupant, or person in control of private premises to comply with Subsection (b) of this section, or upon the written request and authorization of the owner after notification under Subsection (d) of this section, or upon a determination by the city health officer that the conditions constitute an immediate health hazard, the director shall have the solid waste materials collected and removed from the premises.

(d) Notice to remove.

(1) Before removing illegally-deposited solid waste material from private premises, the director must notify the owner of the premises to remove the solid waste material within seven days. This notice must be in writing and may be served by handing it to the owner in person or by sending it United States regular mail, addressed to the owner at the owner’s address as recorded in the appraisal district records of the appraisal district in which the premises are located.

(2) If personal service to the owner cannot be obtained, then the owner may be notified by:

(A) publication at least once in the official newspaper adopted by the city council;

(B) posting the notice on or near the front door of each building on the premises to which the violation relates; or

(C) posting the notice on a placard attached to a stake driven into the ground on the premises to which the violation relates.

(3) If the director mails a notice to a property owner in accordance with Subsection (d)(1) and the United States Postal Service returns the notice as “refused” or “unclaimed,” the validity of the notice is not affected, and the notice is considered as delivered.

(4) In a notice provided under this section, the director may, by regular mail and by a posting on the property, inform the owner of the property on which the violation exists that, if the owner commits another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of the notice, the city may, without further notice, correct the violation at the owner’s expense and then assess the expense against the property. If a violation covered by a notice under this subsection occurs within the one-year period, and the city has not been informed in writing by the owner

liability insurance as required by the city in the franchise ordinance;

(7) documentary evidence of payment of ad valorem taxes owed on the real and personal property to be used in connection with the operation of the proposed solid waste collection service if the business establishment is located in the city; and

(8) such additional information as the applicant desires to include to aid in the determination of whether the requested franchise should be granted.

(b) The director is authorized to make any additional investigation as is necessary to verify the truth of the information contained in the application and to determine if the applicant meets the requirements of this article and the standard franchise ordinance required by the city. (Ord. Nos. 21058; 21163; 24743; 26480; 26608)

SEC. 18-34. FRANCHISE GRANT.

(a) If the director determines from the application that the applicant meets the requirements of this article and other applicable law to hold a franchise for solid waste collection service, the director shall present the application to the city council and make a recommendation regarding the application. The city council may grant or deny the franchise. The city council shall grant a franchise by ordinance. The grant of a franchise under this article is nonexclusive.

(b) The terms and conditions of a franchise will be set forth in the ordinance granting the franchise to the applicant. By accepting the franchise, the applicant agrees to comply with all of those terms and conditions. (Ord. Nos. 26480; 26608)

SEC. 18-35. FRANCHISE FEES.

~~—(a) A franchisee shall pay a franchise fee set by the city council in the franchise ordinance. The franchise fee may not be less than four percent of the gross receipts resulting from the operation of the solid waste collection service within the city.~~

(a) A franchisee shall pay a franchise fee set by the city council in the franchise ordinance. The franchise fee may not be less than six percent of the gross receipts resulting from the operation of the solid waste collection service within the city.

(b) The franchise fee must be paid on a payment schedule established by the city council in the franchise ordinance. A payment received later than 10 days after the due date accrues interest at the rate prescribed in Section 2-1.1 of this code.

(c) A franchise fee payment is nonrefundable. (Ord. Nos. 14219; 14566; 17226; 20076; 21058; 21819; 24743; 26134; 26480; 26608; 32863)

SEC. 18-36. ISSUANCE AND DISPLAY OF VEHICLE DECAL; PROOF OF FRANCHISE TO BE SHOWN UPON REQUEST.

(a) Upon the granting of a solid waste collection franchise to an applicant and satisfactory completion of all inspections required by this article, the director shall issue a decal for each vehicle to be operated by the applicant under the franchise.

(b) A decal issued under this section must be displayed on the vehicle for which it was issued in a manner and location approved by the director. A copy of the franchise ordinance must be presented upon request to the director or to a peace officer for examination.

(c) A decal issued under this section is not transferable. If a decal is lost, stolen, or mutilated, the director may issue a duplicate decal upon payment to the city of a \$10 fee. (Ord. Nos. 21058; 21163; 24743; 26480; 26608)

SEC. 20A-24. DEFINITIONS AND INTERPRETATIONS.

(a) Definitions. In this article:

(1) AFFIRMATIVE FAIR HOUSING MARKETING PLAN means a marketing strategy designed to attract renters of all majority and minority groups, regardless of race, color, religion, sex, disability, familial status, national origin, or source of income.

(2) AFFORDABLE RENT means: (i) a monthly rental housing payment, in compliance with a rent and income schedule produced annually by the department, or (ii) the voucher payment standard for voucher holders.

(3) ANNUAL INCOME has the definition assigned to that term in 24 CFR §5.609, "Annual Income," as amended.

(4) APPLICANT means a household applying to lease a reserved dwelling unit.

(5) AREA MEDIAN FAMILY INCOME ("AMFI") means the median income for the Dallas, TX HUD Metro Fair Market Rent Area, adjusted for family size, as determined annually by the Department of Housing and Urban Development.

~~(6) DEPARTMENT means the department of housing and neighborhood revitalization.~~

(6) DEPARTMENT means the department of housing and community development.

(7) DEVELOPMENT means the structure or structures located on the Property receiving a development bonus.

(8) DEVELOPMENT BONUS means yard, lot, and space bonuses that can be obtained by meeting the requirements in this division and Chapter 51A.

(9) DEVELOPMENT BONUS RESTRICTIVE COVENANT means a covenant running with the land that meets the requirements of this chapter.

~~(10) DIRECTOR means the director of the department of housing and neighborhood revitalization and includes representatives, agents, or department employees designated by the director.~~

(10) DIRECTOR means the director of the department of housing and community development and includes representatives, agents, or department employees designated by the director.

(11) ELIGIBLE HOUSEHOLDS means households with an income within the required income band or voucher holders regardless of income.

(12) FAMILY means family as defined in 24 CFR §5.403, "Definitions," as amended.

(13) HANDBOOK means the HUD Handbook 4350.3: Occupancy Requirements of Subsidized Multifamily Housing Programs, as periodically revised and published by HUD.

(14) HUD means the United States Department of Housing and Urban Development.

(15) INCOME means income as defined by 24 CFR §5.609, "Annual Income."

(16) INCOME BAND means the range of household adjusted incomes between a pre-determined upper limit and a pre-determined lower limit generally stated in terms of a percentage of area median family income adjusted for family size.

(A) INCOME BAND 1 means an income between 81 and 100 percent of AMFI.

(B) INCOME BAND 2 means an income between 61 and 80 percent of AMFI.

(C) INCOME BAND 3 means an income between 51 and 60 percent of AMFI.

(17) MARKET VALUE ANALYSIS ("MVA") means the most recent official study that was commissioned by and prepared for the city to assist residents and policy-makers to understand the elements of their local residential real estate markets.

(18) MIXED-INCOME HOUSING PROGRAM means a program administered by the

department in which each owner using a development bonus participates.

(19) MIXED-INCOME HOUSING RESTRICTIVE COVENANT means the instrument securing the terms and enforcement of this division.

(20) OPTIONAL AMENITIES means services or features that are not included in the monthly rent, including access to premium parking and concierge services, among other services.

(21) OWNER means the entity or person who owns the development or Property during the rental affordability period, including the owner's employees, agents, or contractors.

(22) PROGRAM MANUAL means the guidebook published, maintained, and updated by the department that includes specific guidance for program implementation.

(23) PROPERTY means the land and all improvements as more particularly described in the mixed-income restrictive covenant.

(24) RENTAL AFFORDABILITY PERIOD means the period that the reserved dwelling units may only be leased to and occupied by eligible households.

(25) RESERVED DWELLING UNIT means the rental units in a development available to be leased to and occupied by eligible households, or which are currently leased to and occupied by eligible households and are leased at affordable rental rates.

(26) UNIT TYPE means the kind of unit broken out by number of bedrooms in the unit, or, if the unit is a specialty unit, a description of the type of specialty unit, such as efficiency, one bedroom, two bedroom, loft, penthouse, etc.

(27) VOUCHER HOLDER means a holder of a housing voucher, including vouchers directly or indirectly funded by the federal, state, or local government.

(28) VOUCHER PAYMENT STANDARD means the maximum monthly assistance payment for a family assisted in the voucher program (before deducting the total tenant payment by the family).

(b) Interpretations. For uses or terms found in Chapter 51, the regulations in Section 51A-4.702 (a)(6)(C) apply in this division. (Ord. Nos. 31142; 32195; 32864)

SEC. 20A-25. MARKET VALUE ANALYSIS CATEGORY AND RESERVED DWELLING UNIT VERIFICATIONS.

(a) In general. An owner shall comply with this section before applying for a construction permit. An owner shall:

(1) submit an application to the department detailing the proposed project, which includes the following information:

(A) the legal description and address of the property;

(B) any restrictive covenants or contracts that will require the owner to lease dwelling units at a specific rent for a specific term of years, along with the number of units; and

(C) any other information determined by the director to be necessary to aid in the determination of whether the owner is eligible to participate in the mixed-income housing program;

(2) obtain a certified verification of the building site's market value analysis ("MVA") category;

(3) sign a reserved dwelling unit verification form provided by the department where the owner acknowledges receipt of information regarding the minimum and maximum percentage of reserved dwelling units for that category, states the

CHAPTER 24

LIBRARY

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IN GENERAL.

- Sec. 24-1. "Public library" defined.
- Sec. 24-2. Failure to return library property.
- Sec. 24-3. Public library fees and charges.
- Sec. 24-4. Library fee amnesty periods.
- Sec. 24-5. Books from houses where there is contagious disease - Generally.
- Sec. 24-6. Same - Notice to be given by director of public health.
- Sec. 24-6.1. Penalty.

ARTICLE II.

MUNICIPAL LIBRARY BOARD.

- Sec. 24-7. Created.
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ARTICLE III.

THE MUNICIPAL LIBRARY DEPARTMENT.

- Sec. 24-9. Created.
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- Sec. 24-11. Same - Powers and duties.

ARTICLE I.

IN GENERAL.

SEC. 24-1. "PUBLIC LIBRARY" DEFINED.

For the purpose of this chapter, the words "public library" shall mean the public library of the city. (Ord. 31215)

SEC. 24-2. FAILURE TO RETURN LIBRARY PROPERTY.

A person commits an offense if he takes or borrows from the public library any property, including, but not limited to, books, pamphlets, periodicals, papers, and works of art, and fails to return the property to the public library within 30 days after the date the property is due. (Code 1941, Art. 72-2; Ord. Nos. 18093; 31215)

SEC. 24-3. PUBLIC LIBRARY FEES AND CHARGES.

(a) A person who damages an item of library property shall reimburse the public library the costs of repairing or rebinding the item.

~~—(b) A person who loses or damages beyond repair an item of library property shall pay an amount equal to the retail cost of replacing the item, plus a reprocessing fee of \$28. The retail cost and reprocessing fee for replacement of a lost or damaged item may be waived if a person replaces the lost or damaged item with a comparable item of equal or greater value.~~

(b) A person who loses or damages beyond repair an item of library property shall pay an amount equal to the retail cost of replacing the item, plus a reprocessing fee of \$20. The retail cost and reprocessing fee for replacement of a lost or damaged item may be waived if a person replaces the lost or damaged item with a comparable item of equal or greater value.

(c) Nonresident user fees.

(1) Nonresidents of the city who use the

(B) 50 percent if a six- to 10-day turn-around time is requested.

(5) The following additional fees for delivery and media will be charged if required for an order:

(A) \$3 for postage and handling.

(B) \$3 for CD authoring.

~~—(e) A person requesting research by a staff member of the public library shall pay a fee of \$17.50 per half hour, which fee will include up to four photocopies. Additional photocopies may be purchased for \$0.25 per page. Each person making a request under this subsection will be limited to one hour of research and 50 photocopies per month. The director may waive up to 25 percent of the charges for research requested by a corporate member of the Friends of the Dallas Public Library.~~

(e) A person requesting research by a staff member of the public library shall pay a fee of \$20 per half hour, which fee will include up to four photocopies. Additional photocopies may be purchased for \$0.25 per page. Each person making a request under this subsection will be limited to one hour of research and 50 photocopies per month. The director may waive up to 25 percent of the charges for research requested by a corporate member of the Friends of the Dallas Public Library.

(f) The fee for a printout from an electronic database is \$0.25 per page for a black and white printout and \$0.75 a page for a color printout.

(g) A fee of \$20 will be charged for each public library account turned over to a collection agency for the purpose of recovering any money or property owed to the public library.

(h) A person making an interlibrary loan request shall pay a fee of \$3 for each item received from a library outside of the city of Dallas public library system pursuant to the request. (Ord. Nos. 20612; 21431; 22206; 24411; 24929; 25048; 25754; 26598; 27353; 28792; 29149; 31215; 32020; 32863)

SEC. 24-4. LIBRARY FEE AMNESTY PERIODS.

(a) The library director is authorized to administer two annual amnesty periods during which the library, at the request of a library card holder, may forgive some or all fees and charges accrued in accordance with Sections 24-3(a) and 24-3(b).

(b) The amnesty periods may not occur for longer than one month in duration, and the library director shall not administer more than two amnesty periods in any fiscal year. (Ord. 31215)

SEC. 24-5. BOOKS FROM HOUSES WHERE THERE IS CONTAGIOUS DISEASE - GENERALLY.

Every person in any house where there is a contagious or infectious disease shall deliver to the director of public health, at such house, any book, periodical or publication that he may have which belongs to the public library. The director of public health shall at once cause such book, periodical or publication to be disinfected and returned to the public library. (Code 1941, Art. 72-5; Ord. 31215)

SEC. 24-6. SAME - NOTICE TO BE GIVEN BY DIRECTOR OF PUBLIC HEALTH.

It is hereby made the duty of the director of public health of the city, whenever he finds that there is any contagious or infectious disease in any house in the city, to at once give written notice of this fact to the librarian of the public library. (Code 1941, Art. 72-4; Ord. 31215)

SEC. 24-6.1. PENALTY.

A person violating a provision of this article is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted, and each offense is punishable by a fine not to exceed \$50. (Ord. Nos. 18093; 31215)

rehabilitation and/or repair of the property or premises as a result of the termination.

(i) If the project is terminated prior to completion for any reason, the administrator may disburse money from the Dallas Tomorrow Fund to pay the contractor for work completed by the contractor.

(j) Once the administrator certifies that the project is completed, the administrator shall notify the code officer who wrote the notice of violation and the officer's district manager in writing. The project must then be inspected by the city for the sole purpose of determining whether the property or premises complies with the notice of violation. If the city inspector determines that the property or premises does not comply with the notice of violation, then the city inspector shall send written notice to the administrator that the project is not completed and describe the work that is required before the project will be considered completed. At that point, the administrator shall ensure that the selected contractor will continue the project until once again certifying that the project is completed, at which time the project will again be inspected by the city for the sole purpose of determining whether the property or premises complies with the notice of violation.

(k) The administrator may only initiate project plans for projects costing \$20,000 or less. No project plan may be initiated by the administrator unless the project cost is less than or equal to the amount in the Dallas Tomorrow Fund at any one time. The administrator shall produce a biannual report of available funds and appropriated funds in the Dallas Tomorrow Fund. If the fund is temporarily out of money, the administrator may not initiate a project plan until such time as there are additional funds equal to or exceeding the amount of the project's cost. If during work on the project, additional funds are needed in order to ensure that the property or premises complies with the notice of violation, the administrator may approve additional funds, not to exceed 25 percent of the maximum project amount allowed by this subsection, for work that was necessary to bring the property or premises into compliance with the notice of violation, but that was not anticipated in the original

project plan. Substantial changes to the project plan must be approved in writing by the person who filed the request with the Dallas Tomorrow Fund administrator. (Ord. Nos. 25927; 29618; 30236)

ARTICLE V.

PUBLIC SAFETY NUISANCE..

SEC. 27-17. PUBLIC SAFETY NUISANCE.

(a) An unsafe property is a public safety nuisance and subject to abatement in accordance with Section 31-10. For purposes of this section, UNSAFE PROPERTY means any property that:

(1) either:

(A) has received a citation in the previous 12 months for violating Sections 27-11(c)(6), (d)(12), (d)(17), (h), or (j); or

(B) qualifies as a habitual criminal property or a habitual nuisance property as defined in Article VIII; and

~~(2) is located in an area identified by the office of integrated public safety solutions as being elevated risk by the risk terrain model. RISK TERRAIN MODEL means the risk assessment technique and diagnostic method for identifying the spatial attractors of criminal behavior and environmental factors that are conducive to crime.~~

(2) is located in an area identified by the office of emergency management and crisis response as being elevated risk by the risk terrain model. RISK TERRAIN MODEL means the risk assessment technique and diagnostic method for identifying the spatial attractors of criminal behavior and environmental factors that are conducive to crime.

(b) Unsafe properties must implement CPTED principles. CPTED means crime prevention through environmental design and is a multi-disciplinary approach to reducing criminal behavior through environmental design by integrating the following concepts, among others, on property: natural surveillance that eliminates hiding places for people to engage in crime unnoticed; clear delineation of private

space from public space; and controlled access onto private property. (Ord. Nos. 32344; 32864)

ARTICLE XVII.

STREETCAR REGULATIONS.

- Sec. 28-193. Definitions.
- Sec. 28-194. Authority of the director of transportation and public works.
- Sec. 28-195. Operation of streetcars and other vehicles.
- Sec. 28-196. Unlawful conduct on or near a streetcar.
- Sec. 28-197. Smoking, eating, and drinking prohibited on a streetcar.
- Sec. 28-198. Obstructing tracks; defacing or disturbing property.
- Sec. 28-199. Police assistance required.

ARTICLE XVIII.

LIGHT RAIL TRANSIT SYSTEM.

- Sec. 28-200. Definitions.
- Sec. 28-201. Operation of vehicles in the transitway mall and transit corridor.
- Sec. 28-202. Transitway mall safety quadrants.

ARTICLE XIX.

SPECTATORS PROHIBITED AT STREET RACES AND RECKLESS DRIVING EXHIBITIONS.

Division 1. Definitions.

- Sec. 28-203. Definitions.

Division 2. Spectators Prohibited at Street Races and Reckless Driving Exhibitions.

- Sec. 28-204. Spectators prohibited at street races and reckless driving exhibitions.
- Sec. 28-205. Penalty.

Division 3. Abatement of Nuisance Vehicles Engaged in Street Races or Reckless Driving Exhibition.

- Sec. 28-206. Declaration and abatement of nuisance vehicles.
- Sec. 28-207. Notice of nuisance and abatement to legal and registered owners and lienholders.
- Sec. 28-208. Administrative abatement of nuisance.
- Sec. 28-209. Judicial abatement of nuisance proceedings.
- Sec. 28-210. Joint property interest release.
- Sec. 28-211. Stipulated vehicle release agreement.
- Sec. 28-212. Vehicle title vesting in the city.
- Sec. 28-213. Sale of abated vehicle.
- Sec. 28-214. Disposition of low-value vehicles.
- Sec. 28-215. Distribution of sale proceeds.
- Sec. 28-216. Accounting of sale proceeds.
- Sec. 28-217. Stolen vehicles.
- Sec. 28-218. Innocent owner remedy.
- Sec. 28-219. Towing and storage fees.

Division 4. Aiding Street Racing or Reckless Driving Exhibitions.

- Sec. 28-219.1. Aiding street racing and reckless driving exhibitions.

ARTICLE XX.

PHOTOGRAPHIC ENFORCEMENT AND ADMINISTRATIVE ADJUDICATION OF SCHOOL BUS STOP ARM VIOLATIONS.

Division 1. Generally.

- Sec. 28-220. Definitions.
- Sec. 28-221. General authority and duties of the director and department.
- Sec. 28-222. Enforcement officers - powers, duties, and functions.
- Sec. 28-223. Hearing officers - powers, duties, and functions.

SEC. 28-17. TRAFFIC ACCIDENT STUDIES.

When accidents at any particular location become numerous or severe, the traffic division shall cooperate with the traffic engineer in conducting studies of the accidents and determining remedial measures. (Ord. 14584)

ARTICLE III.

ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS.

SEC. 28-18. AUTHORITY OF POLICE AND FIRE DEPARTMENT OFFICIALS.

(a) It shall be the duty of the officers of the police department or officers who are assigned by the chief of police, to enforce the traffic laws of the city and the state vehicle laws applicable to street traffic in the city.

(b) Officers of the police department or officers who are assigned by the chief of police are hereby authorized to direct traffic by voice, hand, or signal, in conformance with traffic laws; provided, that in the event of a fire or other emergency, to expedite traffic, or to safeguard pedestrians, officers of the police or fire departments may direct traffic as conditions require notwithstanding the provisions of the traffic laws.

(c) Officers of the fire department, when at the scene of a fire, may direct or assist the police in directing the traffic in the immediate vicinity.

(d) A person commits an offense if he intentionally fails or refuses to comply with the lawful order or direction of a police officer or fire department officer. (Ord. 14584)

SEC. 28-19. PARKING ENFORCEMENT OFFICERS.

~~(a) There is hereby created in the department of transportation, under the direction of the director, a division known as parking enforcement and management, which will be an organized auxiliary division to the department of transportation.~~

(a) There is hereby created in the department of transportation and public works, under the direction of the director, a division known as parking enforcement and management, which will be an organized auxiliary division to the department of transportation and public works.

(b) A parking enforcement officer is authorized to:

(1) issue citations for any parking violation within the city;

(2) impound any vehicle that is:

(A) in violation of a parking or fire lane regulation; or

(B) the subject of a hearing officer's order for a parking violation when impoundment of the vehicle is authorized by Section 28-130.10 of this chapter; and

(3) immobilize any vehicle that is the subject of a hearing officer's order for a parking violation when the placement of a boot on the vehicle is authorized by Section 28-130.10 of this chapter.

(c) It is the duty of a parking enforcement officer to direct and guide motor vehicles and pedestrian traffic in the city as directed by the director.

(d) A parking enforcement officer is authorized to direct traffic by voice, hand, or signal, in conformance with traffic laws; provided, that in the event of a fire or other emergency, to expedite traffic, or to protect pedestrians, a parking enforcement officer may direct traffic as conditions require notwithstanding the provisions of the traffic laws.

(e) A parking enforcement officer is not eligible for membership in the Firemen, Policemen and Fire Alarm Operators Pension Fund created pursuant to

eligible for membership in the employee's retirement fund of the city of Dallas.

(f) A parking enforcement officer, while in the performance of official duties, is deemed to be engaged in the performance of a governmental function.

(g) A parking enforcement officer may not be armed with firearms. (Ord. Nos. 14584; 19579; 20269; 20965; 22026; 27697; 32470; 32864)

SEC. 28-20. OBEDIENCE TO CHAPTER REQUIRED; PENALTY.

(a) It is a violation of this chapter for any person to do an act forbidden, fail to perform an act required, or commit an act made an offense by this chapter.

(b) A person convicted of a violation of a provision of this chapter, for which another penalty is not provided by state law or other city ordinance, shall be punished by a fine not to exceed \$500. (Ord. Nos. 14584; 19963)

SEC. 28-20.1. PRESUMPTION IN FLEEING FROM A POLICE OFFICER.

The person in whose name the vehicle is registered shall be presumed to be the driver of a vehicle involved in fleeing from a police officer when, in violation of state law, the driver willfully fails to bring his vehicle to a stop, or otherwise flees or attempts to elude a pursuing police vehicle, after being given a visual or audible signal to stop by a uniformed officer in an appropriately marked official police vehicle. Proof may be made by a copy or facsimile of the registration of the vehicle with the State Highway Department or County Motor Vehicle License Department or any other licensing agency showing the name of the person to whom the license plates were issued. This proof shall constitute prima facie evidence of the fact that the person to whom the certificate of registration was issued was the driver of the vehicle. This presumption may be rebutted by competent evidence. (Ord. 19180)

ARTICLE IV.

ACCIDENTS.

SEC. 28-21. INTENTIONAL COLLISIONS.

A person commits an offense if while driving, operating, or in control of a vehicle, animal, railroad engine, or railroad car he intentionally causes, or permits the vehicle, animal, railroad engine, or railroad car to come in collision with any other vehicle, animal, person, street sign, street post, water plug, mailbox, or other obstacle or object in or on any street, alley, avenue, highway, or other public place in the city. (Ord. 14584)

SEC. 28-22. DUTY TO GIVE INFORMATION AND RENDER AID.

The driver of a vehicle involved in an accident resulting in damage to a bicycle or other device propelled wholly or in part by human power which is driven or attended by a person, shall give his name, address, and the registration number of the vehicle he is driving and shall upon request and if available exhibit his operator's, commercial operator's, or chauffeur's license to the person driving or attending the bicycle or device. (Ord. 14584)

SEC. 28-23. PRESUMPTION IN HIT AND RUN ACCIDENTS.

The person in whose name a vehicle is registered, shall be presumed to be the driver of the vehicle involved in an accident resulting in damage to a vehicle or other object, when the driver fails to stop and render the duties required of drivers under state law. Proof may be made by a copy or facsimile of the registration of the vehicle with the State Highway Department or County Motor Vehicle License Department or any other licensing agency showing the name of the person to whom the license plates were

issued. This proof shall constitute prima facie evidence of the fact that the person to whom such certificate of registration was issued was the driver of the automobile. This presumption may be rebutted by competent evidence. (Ord. 14584)

ARTICLE V.

TRAFFIC-CONTROL DEVICES.

SEC. 28-24. AUTHORITY TO INSTALL.

~~—(a) The traffic engineer shall conduct studies and investigations of the public streets and highways within the city and shall determine those places on public streets and highways where a particular danger or hazard exists to motor vehicle traffic and pedestrian traffic and shall place and maintain traffic control signs, signals, and devices in accordance with these studies and determinations as required under this chapter and other traffic laws. In addition, the city manager, the director of transportation, the chief of police, the chief of fire-rescue, or personnel acting under their authority, and public contractors or their employees performing work pursuant to any federal, state, county, road district, or city contract, may place and maintain barricades, detour signs, or other warning devices at places where danger becomes apparent as a result of hazards caused by the weather or natural phenomena, defects, or obstructions in or near streets, alleys, sidewalks, parkways, parks, or other public places, as a result of building construction or demolition, or where street, alley, or sidewalk construction or repair is underway.~~

~~—(b) The traffic engineer shall conduct studies and investigations of the public streets and highways within the city and, in accordance with these studies, recommend to the city council those places on public streets and highways where permanent traffic diverters should be located. After the city council approves a location, the department of transportation is authorized to install and maintain permanent traffic diverters at the approved location.~~

(a) The traffic engineer shall conduct studies and investigations of the public streets and highways within the city and shall determine those places on public streets and highways where a particular danger or hazard exists to motor vehicle traffic and pedestrian

traffic and shall place and maintain traffic control signs, signals, and devices in accordance with these studies and determinations as required under this chapter and other traffic laws. In addition, the city manager, the director of transportation and public works, the chief of police, the chief of fire-rescue, or personnel acting under their authority, and public contractors or their employees performing work pursuant to any federal, state, county, road district, or city contract, may place and maintain barricades, detour signs, or other warning devices at places where danger becomes apparent as a result of hazards caused by the weather or natural phenomena, defects, or obstructions in or near streets, alleys, sidewalks, parkways, parks, or other public places, as a result of building construction or demolition, or where street, alley, or sidewalk construction or repair is underway.

(b) The traffic engineer shall conduct studies and investigations of the public streets and highways within the city and, in accordance with these studies, recommend to the city council those places on public streets and highways where permanent traffic diverters should be located. After the city council approves a location, the department of transportation and public works is authorized to install and maintain permanent traffic diverters at the approved location. (Ord. Nos. 14584; 14900; 22026; 23694; 28424; 30239; 30654; 32864)

SEC. 28-24.1. TRAFFIC BARRICADE MANUAL.

(a) The traffic engineer is authorized to prescribe a traffic barricade manual, conforming to the *Texas Manual on Uniform Traffic Control Devices approved by the Texas Transportation Commission*, for providing barricades, warning signs, and other traffic control devices that alert the public to hazards caused by construction, repair, pavement excavation or cuts, or other uses requiring closure of any portion of a public street or public right-of-way.

(b) A person commits an offense if he fails to comply with any provision of the city's traffic barricade manual while occupying a public street or public right-of-way for the purpose of construction, repair, pavement excavation or cuts, or other uses requiring closure of any portion of the public street or public right-of-way.

~~—(f) The traffic engineer may, upon application by a person whose property abuts a roadway, install or remove signs prohibiting or restricting parking on one or both sides of the roadway. The application must be made on a form provided by the traffic engineer and accompanied by a nonrefundable application fee of \$240. The traffic engineer may approve or deny the application in accordance with departmental policy. If an application for the installation of signs is approved, the applicant must pay a fee of \$197 for each sign installed.~~

(f) The traffic engineer may, upon application by a person whose property abuts a roadway, install or remove signs prohibiting or restricting parking on one or both sides of the roadway. The application must be made on a form provided by the traffic engineer and accompanied by a nonrefundable application fee of \$240. The traffic engineer may approve or deny the application in accordance with departmental policy. If an application for the installation of signs is approved, the applicant must pay a fee of \$200 for each sign installed. (Ord. Nos. 14584; 14974; 15194; 19300; 21194; 22762; 30993; 32735; 32863)

SEC. 28-26.1. BUS LANE DESIGNATIONS; AUTHORITY TO INSTALL; PROHIBITION; EXCEPTION.

(a) The traffic engineer shall conduct studies and investigations of the public streets and highways within the city and shall study the needs of the public for areas on the public streets for the exclusive use of busses during certain hours of the day, the width and length of areas on public streets where bus lanes are desired and, after making such studies, the traffic engineer shall designate those areas on public streets and highways of the city where areas for the exclusive use of busses are required and should be in effect by means of appropriate signs and street markings giving notice that only busses may use an area of a public street or highway during certain hours of the day. The traffic engineer may change areas designated for the exclusive use of busses from time to time as required by studies and investigations. The traffic engineer shall also keep accurate records of all bus lane designations, sign installations, and street markings.

(b) A person commits an offense if he operates a motor vehicle, other than a bus in an area upon a public street or highway within the city designated by a sign

and street marking as an area for the exclusive use of busses.

(c) It is a defense to prosecution under this section that an operator of a motor vehicle is in an area designated for the exclusive use of busses for the purpose of making a right turn and has entered the area as close as practicable to the place where a right turn was intended to be made.

(d) In this section bus means a public or private motor vehicle designated for the transportation of more than 10 passengers. (Ord. Nos. 14584; 14648)

SEC. 28-27. MANUAL AND SPECIFICATIONS.

All traffic control signs, signals, and devices shall conform to the "Manual and Specifications" approved by the State Highway Commission or resolutions adopted by the city council; shall be uniform, so far as practicable, as to type and location throughout the city; and shall be official traffic control devices so long as such are not inconsistent with provisions of state law or this chapter. (Ord. 14584)

SEC. 28-27.1. PLACEMENT OF CRIME WATCH SIGNS AND VOLUNTEERS IN PATROL SIGNS.

(a) Upon recommendation of the police department, the city traffic engineer is authorized to place crime watch signs and volunteers in patrol (V.I.P.) signs on existing city sign standards that support city traffic control and informational signs when in the traffic engineer's judgment the sign will not interfere with traffic safety.

(b) A person desiring the placement of a crime watch sign or a volunteers in patrol (V.I.P.) sign shall submit an application for placement of the sign to the police department. The application must designate the location requested for placement. If the police department and the traffic engineer determine that the location requested will not interfere with traffic safety, the police department shall notify the applicant to submit a sign to the traffic engineer who shall place the sign as requested; otherwise, the traffic engineer shall

(c) For the purpose of this section:

(1) CRIME WATCH SIGN means a sign of a standard design approved by the chief of police that:

(A) is no larger than 14 inches wide and 20 inches tall;

(B) depicts the logo of the National Sheriffs' Association neighborhood watch sign; and

(C) does not contain any other message or any identification of a neighborhood, neighborhood group, or other person or organization on the sign.

(2) VOLUNTEERS IN PATROL (V.I.P.) SIGN means a sign of a standard design approved by the chief of police that:

(A) is no larger than 14 inches wide and 20 inches tall;

(B) states, in white lettering on a blue background, "THIS NEIGHBORHOOD PATROLLED BY VOLUNTEERS IN PATROL"; and

(C) does not contain any other message or any identification of a neighborhood, neighborhood group, or other person or organization on the sign. (Ord. Nos. 17167; 17225; 23822)

SEC. 28-28. TESTING UNDER ACTUAL CONDITIONS OF TRAFFIC.

The traffic engineer may test all forms of traffic control devices under actual conditions of traffic. (Ord. 14584)

SEC. 28-29. EXISTING DEVICES AFFIRMED AND RATIFIED.

~~—Traffic control signs, signals, devices, and markings previously placed or erected by the police department or department of transportation, or any predecessor department, and now in use for the purpose of regulating, warning, or guiding traffic are affirmed, ratified, and declared to be official traffic control devices, provided that these traffic control devices are not inconsistent with the provisions of state~~

~~law or this chapter.~~

Traffic control signs, signals, devices, and markings previously placed or erected by the police department or department of transportation and public works, or any predecessor department, and now in use for the purpose of regulating, warning, or guiding traffic are affirmed, ratified, and declared to be official traffic control devices, provided that these traffic control devices are not inconsistent with the provisions of state law or this chapter. (Ord. Nos. 14584; 22026; 28424; 30239; 30654; 32864)

SEC. 28-30. DISPLAY OF UNAUTHORIZED SIGNS, SIGNALS OR MARKINGS.

(a) A person commits an offense if he places, maintains, or displays, upon or in view of a highway, any unauthorized sign, signal, marking, or device which purports to be, is an imitation of, or resembles an official traffic control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of an official traffic control device or a railroad sign or signal, or which warns or attempts to warn the operator of a vehicle of speed control enforcement being conducted on the highway.

(b) A person commits an offense if he places or maintains, upon any highway, an official traffic signal or sign on which commercial advertising is printed. This section shall not prohibit the erection of signs of a type which cannot be mistaken for official signs upon private property adjacent to highways. (Ord. 14584)

SEC. 28-31. INTERFERENCE WITH DEVICES OR RAILROAD SIGNS OR SIGNALS.

A person commits an offense if, without lawful authority, he alters, attempts to alter, defaces, injures, knocks down, or removes any official traffic control device, barricade, detour sign, or warning sign (whether permanent or temporary), or any railroad sign, signal, inscription, shield, or insignia. (Ord. 14584)

A taxicab left unattended in violation of this subsection is illegally parked and may be removed from the taxicab stand and impounded as provided in Section 28-4 of this chapter. (Ord. Nos. 14584; 20269)

SEC. 28-101. RESTRICTED USE OF BUS STOPS, TAXICAB STANDS, AND STANDS DESIGNATED FOR OTHER PASSENGER COMMON CARRIER MOTOR VEHICLES.

A person commits an offense if he stops, stands, or parks a vehicle other than a bus in a bus stop zone, other than a taxicab in a taxicab stand, or at a stand designated for other passenger common carrier motor vehicles such as rideshare vehicles when the stop zone or stand has been appropriately designated by signs, except that the driver of a passenger vehicle may temporarily stop therein while actually engaged in loading or unloading passengers when stopping does not interfere with a bus or taxicab about to enter the zone. (Ord. Nos. 14584, 32710)

SEC. 28-102. STOPPING OF BUSES WITHIN INTERSECTION OR CROSSWALK.

The operator of a bus shall not stop within an intersection or crosswalk for the purpose of receiving or discharging passengers. (Ord. 14584)

Division 4. Paid Parking Payment Devices.

SEC. 28-103. AUTHORITY TO INSTALL AND OPERATE PAID PARKING PAYMENT DEVICES.

~~For parking in city rights-of-way and other city controlled parking areas under the control of the transportation department, the director or his designee is authorized to:~~

For parking in city rights-of-way and other city controlled parking areas under the control of the department of transportation and public works, the director or his designee is authorized to:

(1) Make recommendations to city council to establish or modify the boundaries of paid parking areas. In making these recommendations, the director may consider the factors in Section 28-103.1(b).

(2) Establish or modify the hours when paid parking is in effect in accordance with Section 28-103.2(e) and (f).

~~(3) Establish rates to be charged at paid parking payment devices, within the limits established this division.~~

(3) Establish rates to be charged at paid parking payment devices, within the limits established by this division.

(4) Vary rates and hours that may be charged at paid parking payment devices to achieve approximately one to two parking spaces available on each block face in accordance with this division. (Ord. Nos. 14584; 22762; 24882; 25756; 27210; 28831; 30654; 32735; 32864)

SEC. 28-103.1. PAID PARKING AREA.

(a) The paid parking area is established in the following areas:

use of a paid parking space upon all streets or portions of streets in the Deep Ellum paid parking area except as otherwise provided in this section.

(c) Ten cents an hour zones. A person shall pay an hourly rate of 10 cents for the use of a paid parking space upon the following streets or portions of streets in the Deep Ellum paid parking area Monday through Sunday from 7:00 a.m. until 12 midnight only.

<u>STREET</u>	<u>BLOCK(S)</u>	<u>SIDE(S)</u>	<u>EXTENT</u>
Indiana Boulevard	3000	Both	Walton Street to Hall Street

(d) Expiration of interim hourly rates. This section expires on May 8, 2026. On or after May 8, 2026, the hourly rates for the area described in Subsection (a) is determined by Sections 28-103.2 and 28-103.3. (Ord. Nos. 17964; 19173; 21194; 24411; 24483; 24882; 25756; 27210; 27553; 28792; 32488; 32735)

SECS. 28-114.3 THRU 28-114.11. RESERVED.

(Repealed by Ord. Nos. 19173; 27210; 32735)

SEC. 28-114.12. RESTRICTED ACCESS TO PAID PARKING SPACES; EXCEPTIONS.

(a) A person requiring the hooding or temporary removal of a paid parking payment device shall pay to the director a daily charge, excluding official parking holidays, of 70 percent of the maximum hourly capacity of each paid parking payment device hooded times the prevailing rate on the paid parking payment device.

~~—(b) In addition to the fee required in Subsection (a), a person requiring the hooding of a paid parking payment device shall pay a labor charge of \$55, plus one dollar for each paid parking payment device hooded.~~

~~—(c) In addition to the fee required in Subsection (a), a person requiring the temporary removal of a paid parking payment device shall pay a labor charge of \$75 for each paid parking payment device removed. A person requiring temporary removal of a paid parking payment device shall also pay the costs of labor and~~

~~materials incurred in reinstalling the meter after temporary removal. The minimum installation charge is \$104 per meter.~~

(b) In addition to the fee required in Subsection (a), a person requiring the hooding of a paid parking payment device shall pay a labor charge of \$40, plus one dollar for each paid parking payment device hooded.

(c) In addition to the fee required in Subsection (a), a person requiring the temporary removal of a paid parking payment device shall pay a labor charge of \$145 for each paid parking payment device removed. A person requiring temporary removal of a paid parking payment device shall also pay the costs of labor and materials incurred in reinstalling the meter after temporary removal. The minimum installation charge is \$145 per meter.

(d) This section does not apply to:

- (1) a utility company engaged in construction or repair activities for any city, county, state, or federal agency;
- (2) a contractor performing work under a city, county, state, or federal contract; or
- (3) any city, county, state, or federal agency requiring the hooding or temporary removal of a paid parking payment device in the performance of its governmental functions.

(e) The fees required by Subsection (a) of this section will not be assessed against a person requiring the hooding or temporary removal of paid parking payment device to reconstruct, repair, or replace an existing street, sidewalk, curb, or other city infrastructure in the public right-of-way if:

- (1) the reconstruction, repair, or replacement of the infrastructure is performed in compliance with all applicable city ordinances and state and federal laws; and
- (2) the infrastructure is, in the opinion of the city, restored to better than its former condition.

(f) Fees will only be waived under Subsection (e) for the period of time reasonably necessary to complete the reconstruction, repair, or replacement of

the infrastructure, not to exceed 30 days. (Ord. Nos. 17964; 19521; 21612; 21789; 22026; 27210; 27553; 27697; 30654; 32735; 32863)

block or side of a block designated as a resident-parking-only zone must be limited to a single-family or duplex use.

~~(3) Upon receipt of a petition and a nonrefundable \$50 application fee, the director shall conduct a parking study at the location requested in the petition. The results of the study must indicate that, during the days and times proposed for the resident-parking-only zone, more than 60 percent of the available parking space is in use and 20 percent or more of the vehicles using the parking space are not owned or operated by owners or occupants of residences or business establishments within the area requested to be designated as a resident-parking-only zone.~~

(3) Upon receipt of a petition and a nonrefundable \$350 application fee, the director shall conduct a parking study at the location requested in the petition. The results of the study must indicate that, during the days and times proposed for the resident-parking-only zone, more than 60 percent of the available parking space is in use and 20 percent or more of the vehicles using the parking space are not owned or operated by owners or occupants of residences or business establishments within the area requested to be designated as a resident-parking-only zone.

(4) The proposed resident-parking-only zone may not eliminate ingress to or egress from any residence or business establishment located within the zone.

~~(5) Before a resident-parking-only zone may become effective, the applicants must pay to the director a \$42 charge for each resident-parking-only sign required to be installed in accordance with rules and regulations promulgated by the director.~~

(5) Before a resident-parking-only zone may become effective, the applicants must pay to the director a \$70 charge for each resident-parking-only sign required to be installed in accordance with rules and regulations promulgated by the director.

(b) After the application for a resident-parking-only zone is approved, the director shall conspicuously post signs within each zone indicating the days, times, and conditions for which parking is by permit only. A resident-parking-only zone becomes effective five working days after signs are in place in the zone. Courtesy notices will be given to all motor vehicles parking in the zone during the five working days

before the zone becomes effective.

(c) The director may eliminate or modify a resident-parking-only zone or part of a resident-parking-only zone if all of the following requirements are met:

(1) A petition for the elimination or modification of a resident-parking-only zone or a part of a resident-parking-only zone must be filed, on a form provided by the director, by owners or occupants of residences and any business establishments located within the zone or part of the zone. The petition must be signed by owners or occupants of two-thirds of the residences and any business establishments abutting the side or sides of the street block or blocks for which elimination or modification of the zone is requested. Only one signature per residence or business establishment is allowed on the petition.

(2) Only complete blocks of a residential street may be included in an elimination or modification of a resident-parking-only zone. A resident-parking-only zone may be eliminated on one or both sides of a residential street, but, if modified, must be consistent in days, times, conditions, and signage on both sides of the street. Each street block or side of a block designated as a modified resident-parking-only zone must abut two or more lots limited to a single-family or duplex use, and the majority of the lots abutted by each street block or side of a block designated as a modified resident-parking-only zone must be limited to a single-family or duplex use.

(3) Upon receipt of a petition to modify a resident-parking-only zone and a nonrefundable \$50 application fee, the director shall conduct a parking study at the location requested in the petition. The results of the study must indicate that, during the days and times proposed for the modified resident-parking-only zone, more than 60 percent of the available parking space is in use and 20 percent or more of the vehicles using the parking space are not owned or operated by owners or occupants of residences or business establishments located within the resident-parking-only zone for which modification is requested.

(4) The proposed modified resident-parking-only zone may not eliminate ingress to or egress from any residence or business establishment located within the modified zone.

(5) The applicants must pay the following fees to the director before a resident-parking-only zone may be eliminated or modified:

(A) a \$10 charge for each resident-parking-only sign required to be removed;

~~(B) a \$25 charge for each resident-parking-only sign required to be changed to include modified information; and~~

(B) a \$35 charge for each resident-parking-only sign required to be changed to include modified information; and

(C) a \$42 charge for each new installation of a resident-parking-only sign.

(d) The city council may, at any time, unconditionally eliminate or modify a resident-parking-only zone designated under this division. (Ord. Nos. 23863; 32863)

SEC. 28-121.16. RESIDENT-PARKING-ONLY PERMIT.

(a) The director shall, upon application and payment of all applicable permit fees, issue resident-parking-only permits, up to a maximum of six permits per residence or business establishment, to any person who is eligible for a permit. An applicant is eligible for a resident-parking-only permit if:

(1) the applicant owns or occupies a residence or business establishment located within the resident-parking-only zone; and

(2) the applicant and every other person owning or occupying the same residence or business establishment as the applicant:

(A) has no unresolved parking citations issued by the city;

(B) has no outstanding fines or warrants for a violation of this division; and

(C) complies with all other requirements of this division.

(b) The application for a permit must contain:

(1) the applicant’s name and an identifying number from the applicant’s Texas driver’s license, military identification card, passport, or personal identification card issued by the Texas Department of Public Safety;

(2) the name of every person 15 years of age or older who owns or occupies the same residence or business establishment as the applicant and, if applicable, an identifying number from that person’s Texas driver’s license, military identification card, passport, or personal identification card issued by the Texas Department of Public Safety;

(3) the address of the applicant’s residence or business establishment located within the resident-parking-only zone;

(4) a statement that neither the applicant nor any other person owning or occupying the same residence or business establishment as the applicant has any unresolved parking citations issued by the city or any outstanding fines or warrants for a violation of this division; and

(5) any other information the director determines necessary to the enforcement and administration of this division.

(c) To prove that an applicant owns or occupies a residence or business establishment located within a resident-parking-only zone and to verify the contents of the application, the applicant shall present at the time of application:

(1) a valid Texas driver’s license, military identification card, passport, or personal identification card issued by the Texas Department of Public Safety, showing the applicant’s current home address; and

(2) a recent utility bill, acceptable to the director, that is addressed to the applicant and shows an address of a residence or business establishment located within the resident-parking-only zone.

~~— (d) The annual fee for a resident-parking-only permit is \$6 for each permit issued to a residence or business establishment located within a resident-parking-only zone. Each residence or business establishment located within a zone may apply for up to six permits.~~

(d) The annual fee for a resident-parking-only permit is \$20 for each permit issued to a residence or business establishment located within a resident-parking-only zone. Each residence or business establishment located within a zone may apply for up to six permits.

(e) When a motor vehicle is parked in a resident-parking-only zone, a permit must be conspicuously displayed in a manner and location approved by the director. A permit may only be displayed on a motor vehicle that is either owned or leased by an owner or occupant of the residence or business establishment to which the permit is issued or owned or leased by a visitor to the residence or business establishment to which the permit is issued.

(f) A permit authorizes the holder to stop, stand, or park a motor vehicle at any time in a resident-parking-only zone, unless such stopping, standing, or parking is prohibited or restricted by regulations other than those established under this division. A permit does not guarantee or reserve to the holder a parking space within the zone and does not exempt the holder from other applicable parking and traffic regulations.

(g) A permit is not transferable, except that a permit issued to a residence or business establishment located within a resident-parking-only zone may be displayed on a motor vehicle owned or leased by a visitor to that particular residence or business establishment.

(h) A permit expires one year from the date of issuance and may be renewed by applying in accordance with this section.

(i) A lost, destroyed, or stolen permit may be replaced for a \$6 fee. The permit holder must submit a

signed affidavit stating that the permit was lost, destroyed, or stolen. (Ord. Nos. 23863; 32863)

SEC. 28-121.17. TEMPORARY PARKING PERMITS.

(a) A person who lawfully holds one or more resident-parking-only permits under Section 28-121.16 may be issued additional temporary parking permits for the use of visitors attending a party or special event at the residence or business establishment for which the resident-parking-only permit is issued. An application for one or more temporary parking permits must be made to the director, on a form provided by the director, not less than 24 hours nor more than 72 hours before the party or event is scheduled to begin.

(b) The fee for a temporary parking permit is \$0.10 each. Each residence or business establishment located within a zone may receive up to 50 temporary parking permits in any calendar month.

(c) A temporary parking permit may only be displayed on a motor vehicle owned or leased by a visitor to the residence or business establishment to which the permit is issued. The temporary parking permit must be conspicuously displayed on the vehicle in a manner and location approved by the director.

(d) A temporary parking permit authorizes the holder to stop, stand, or park a motor vehicle for one day in a resident-parking-only zone, unless such stopping, standing, or parking is prohibited or restricted by regulations other than those established under this division. A temporary parking permit does not guarantee or reserve to the holder a parking space within the zone and does not exempt the holder from other applicable parking and traffic regulations.

(e) A temporary parking permit expires at noon on the day following the date stamped on the permit. (Ord. 23863)

SEC. 28-130. GENERAL AUTHORITY AND DUTY OF DIRECTOR.

(a) The director of Dallas municipal court shall implement and enforce the provisions of this division relating to hearing officers, administrative adjudication hearing procedures, and appeals and may by written order establish such rules or regulations, not inconsistent with this division, as the director determines are necessary to discharge the director's duty under or to effect the policy of this division.

~~(b) The director of transportation shall implement and enforce the provisions of this division relating to the issuance, service, and enforcement of parking citations and the collection of fines and costs and may by written order establish such rules or regulations, not inconsistent with this division, as the director determines are necessary to discharge the duty of the director under or to effect the policy of this division.~~

(b) The director of transportation and public works shall implement and enforce the provisions of this division relating to the issuance, service, and enforcement of parking citations and the collection of fines and costs and may by written order establish such rules or regulations, not inconsistent with this division, as the director determines are necessary to discharge the duty of the director under or to effect the policy of this division. (Ord. Nos. 14584; 20012; 21612; 27697; 30654; 32557; 32864)

SEC. 28-130.1. HEARING OFFICERS; POWERS, DUTIES, AND FUNCTIONS.

(a) Hearing officers shall be appointed by the city manager, or a designated representative, to administratively adjudicate all parking violations for which a parking citation has been issued under this chapter or under Chapter 32 of this code.

(b) Hearing officers shall have the following powers, duties, and functions:

- (1) To administer oaths.
- (2) To accept admissions to, and to hear and determine contests of, parking violations under this chapter.

(3) To issue orders compelling the attendance of witnesses and the production of documents, which orders may be enforced by a municipal court.

(4) To assess fines, penalties, and other costs for a parking violation in accordance with Section 28-130.9 of this chapter.

(5) To waive penalties assessed for a parking violation in accordance with Section 28-130.9 of this chapter.

(6) To preside over, hear evidence, and make findings at immobilization/impoundment hearings in accordance with this chapter. (Ord. Nos. 20012; 21612)

SEC. 28-130.2. PARKING CITATIONS; FORM.

(a) A parking citation serves as the summons and complaint for purposes of this division.

~~(b) A parking citation must be on a form prescribed by the director of transportation and must include the following information:~~

(b) A parking citation must be on a form prescribed by the director of transportation and public works and must include the following information:

- (1) the nature, date, time, and location of the alleged parking violation and the meter number, if applicable;
- (2) the state license plate number of the illegally parked vehicle, or if not visible or legible, the vehicle identification number or the brake inspection tag number;
- (3) the make of the illegally parked vehicle;
- (4) the date, time, and location of the administrative adjudication hearing, to be set not later than 15 calendar days after the date of issuance of the parking citation;

(5) a notification that the person charged with the parking violation has the right to an instanter hearing any business day before the scheduled administrative adjudication hearing; and

(6) a notification that failure to timely appear at either an instanter hearing or a scheduled administrative adjudication hearing is considered an admission of liability for the parking violation charge and will result in the assessment of appropriate fines, penalties, and costs and may result in the immobilization, towing, and impoundment of the vehicle for which the citation was issued.

(c) The original or any copy of a parking citation is a record kept in the ordinary course of city business and is prima facie evidence of the facts contained in the parking citation. (Ord. Nos. 20012; 20269; 21612; 27697; 30654; 32864)

SEC. 28-130.3. SERVICE OF A PARKING CITATION; PRESUMPTION OF SERVICE.

(a) A parking citation must be served personally upon the operator of a vehicle who is present at the time of service. If the operator is not present, or cannot otherwise be personally served, the parking citation must be served upon the registered owner of the vehicle by affixing the parking citation to the vehicle in a conspicuous place.

(b) An operator of a vehicle who is not the vehicle’s owner, but who uses or operates the vehicle with the express or implied permission of the owner, shall be considered the owner’s agent authorized to receive a parking citation required to be served upon the registered owner or operator of a vehicle in accordance with the provisions of this section.

(c) If the owner or operator of a vehicle drives the vehicle away from or in any manner leaves the site of the parking violation while the issuing officer is preparing the parking citation, or refuses service of the

parking citation, this fact shall be noted on the original and all copies of the parking citation.

(d) The original parking citation must be signed by the issuing officer who shall affirm the truth of the facts set forth in the citation.

(e) The original and all copies of a parking citation are prima facie evidence that the parking citation was issued and that an attempt at service was made in accordance with the provisions of this section. (Ord. Nos. 20012; 21612)

SEC. 28-130.4. LIABILITY OF THE VEHICLE OWNER AND OPERATOR; PRESUMPTION OF LIABILITY.

(a) Except as provided in Subsection (b), the registered owner and the operator of a vehicle, when not the same, shall both be liable to the city for a parking violation charge, except that the operator of a vehicle shall be solely liable if the owner can prove that the vehicle was operated without the owner’s express or implied consent. A vehicle owner who pays any civil fines, penalties, or costs pursuant to this division shall have the right to recovery from the vehicle operator.

(b) A vehicle owner who is engaged in the business of renting or leasing vehicles under written rental or leasing agreements shall not be liable for parking fines, penalties, and costs imposed by the city on a rented or leased vehicle if, within 30 days after receiving written notice of a parking violation, the vehicle owner provides in affidavit form the true name, address, and driver’s license number and state of issuance of the person in possession of the vehicle at the time the parking citation was issued, or a true copy of the lease or rental agreement in effect at the time the parking citation was issued.

(c) A lessor of a vehicle who fails to comply with Subsection (b) shall be treated as any other

vehicle owner and shall be liable with the vehicle operator for a parking violation charge.

(d) It is a defense to any charge of a parking violation that, at the time of the violation, the illegally parked vehicle was reported to a police department as having been stolen prior to the time of the violation and had not yet been recovered.

(e) In any hearing to administratively adjudicate a parking citation, it is presumed that the registered owner of the vehicle for which the citation was issued is the person who stopped, stood, or parked the vehicle at the time and place of the parking violation. Proof of ownership may be made by a computer-generated record of the registration of the vehicle with the Texas Department of Transportation showing the name of the person to whom state license plates were issued. This proof is prima facie evidence of the ownership of the vehicle by the person to whom the certificate of registration was issued. (Ord. Nos. 20012; 21612)

SEC. 28-130.5. ANSWERING A PARKING CITATION.

(a) A person who has been issued a parking citation shall answer to the charge of the parking violation by the date shown on the citation. An answer may be made in any of the following ways:

(1) An admission of liability with payment of the applicable civil fine, and any additional penalties and costs.

(2) A denial of liability made before a hearing officer at an administrative adjudication hearing on a date specified in the parking citation or at an instanter hearing before that date.

(3) An admission of liability with an explanation made before a hearing officer at an administrative adjudication hearing on a date specified in the parking citation or at an instanter hearing before that date.

(4) A request for permission from a hearing officer to adjudicate by mail.

~~(5) A request to reset a scheduled administrative adjudication hearing from the date shown on the parking citation. A scheduled hearing may not be reset more than once unless the person charged pays to the director of transportation an amount equal to the applicable civil fine for the parking violation, with any additional penalties and costs. The director of transportation shall issue a receipt for any amounts paid under this paragraph. After presentation of the receipt, all amounts paid will be refunded to the person charged if the hearing officer, or a municipal court on appeal, finds that the person is not liable for the parking violation.~~

~~(b) Payment of the civil fine and any additional penalties and costs may be made in person, by mail, or by other payment options to the director of transportation. Payment of the civil fine and all penalties and costs assessed pursuant to this division shall operate as a final disposition of the parking violation charge, except when payment is made to reset a scheduled hearing or to file an appeal.~~

(5) A request to reset a scheduled administrative adjudication hearing from the date shown on the parking citation. A scheduled hearing may not be reset more than once unless the person charged pays to the director of transportation and public works an amount equal to the applicable civil fine for the parking violation, with any additional penalties and costs. The director of transportation and public works shall issue a receipt for any amounts paid under this paragraph. After presentation of the receipt, all amounts paid will be refunded to the person charged if the hearing officer, or a municipal court on appeal, finds that the person is not liable for the parking violation.

(b) Payment of the civil fine and any additional penalties and costs may be made in person, by mail, or by other payment options to the director of transportation and public works. Payment of the civil fine and all penalties and costs assessed pursuant to this division shall operate as a final disposition of the parking violation charge, except when payment is made to reset a scheduled hearing or to file an appeal.

(Ord. Nos. 20012; 21612; 27697; 30654; 32864)

(3) through no fault of the owner, notice of the unresolved parking violations was never received as required by this article;

(4) one or more citations for the unresolved parking violations are defective and, if dismissed, would leave no more than two unresolved parking violations within the calendar year; or

(5) at the time of immobilization or impoundment of the vehicle, the registered owner had no more than two unresolved parking violations within the calendar year.

(f) The determination of the hearing officer at the immobilization/impoundment hearing is final and is not subject to appeal.

(g) If the hearing officer determines that immobilization or impoundment of a vehicle was not valid, all fees paid for immobilization, towage, storage, and impoundment of the vehicle and any other amount paid to redeem the vehicle shall be refunded, including any fines, penalties, and costs for any parking violation that the hearing officer determines should not have been considered in counting parking violations for the purposes of immobilizing or impounding the vehicle. Any fines, penalties, and costs paid for a parking violation for which the registered owner was liable will not be refunded. (Ord. 21612)

SEC. 28-130.12. APPEAL FROM HEARING.

(a) A person determined by a hearing officer, at either an instanter or scheduled administrative adjudication hearing or by failure to answer a parking citation or appear at a hearing in the time required, to be liable for a parking violation may appeal this determination to the municipal court by filing a petition, along with a filing fee of \$15, with the municipal court clerk or a deputy clerk within 30 calendar days after the hearing officer's order is filed with the department of Dallas municipal court. If the hearing officer's order is reversed, the \$15 filing fee shall be returned by the city to the appellant.

(b) Upon receipt of an appeal petition, the municipal court clerk or deputy clerk shall schedule an appeal hearing and notify all parties of the date, time, and location of the hearing. The officer or other authorized person who issued the parking citation is not required to be present at the appeal hearing unless requested by the person charged or by the municipal court.

(c) The appeal hearing must be a trial de novo in municipal court and is a civil proceeding for the purpose of affirming or reversing the hearing officer's order. The person filing the appeal may request that the hearing be held before a jury. The decision from the municipal court is final.

~~—(d) Service of notice of appeal under this section does not stay the enforcement and collection of any order of a hearing officer, unless the person filing the appeal pays to the director of transportation an amount equal to all civil fines, penalties, and costs assessed against the person charged. The director of transportation shall issue a receipt for any amounts paid under this subsection. After presentation of the receipt, all amounts paid will be refunded if the hearing officer's order is overturned on appeal.~~

(d) Service of notice of appeal under this section does not stay the enforcement and collection of any order of a hearing officer, unless the person filing the appeal pays to the director of transportation and public works an amount equal to all civil fines, penalties, and costs assessed against the person charged. The director of transportation and public works shall issue a receipt for any amounts paid under this subsection. After presentation of the receipt, all amounts paid will be refunded if the hearing officer's order is overturned on appeal. (Ord. Nos. 20012; 21194; 21612; 22026; 27697; 28424; 30239; 30654; 32557; 32864)

SEC. 28-130.13. DISPOSITION OF FINES, PENALTIES, AND COSTS.

(a) Except as provided in Subsection (b) of this section, all fines, penalties, and costs assessed under this division must be paid into the city's general fund for the use and benefit of the city.

(b) All court costs assessed under Section 28-130.9(f) of this chapter must be deposited into the

manager a written appeal. The city manager shall, within 24 hours after the appeal is filed, consider all the evidence in support of or against the action appealed and render a decision either sustaining or reversing the denial or revocation. The decision of the city manager shall be final. (Ord. Nos. 14584; 19869)

ARTICLE XVII.

STREETCAR REGULATIONS.

SEC. 28-193. DEFINITIONS.

In this article:

(1) **LOADING AND UNLOADING** means the transfer of persons or property between a vehicle or streetcar and the curb, or between a vehicle or streetcar and a nearby building.

(2) **MOTORMAN** means an employee of a streetcar company who controls the movement of a streetcar.

(3) **STREETCAR** means a vehicle used for transporting persons or property that is operated upon rails within a public right-of-way and can be either self-powered or powered by overhead electrical cables. A trolley is considered a streetcar for the purposes of this chapter.

(4) **STREETCAR COMPANY** means any person licensed by the city to operate a streetcar within the city.

(5) **STREETCAR STOP** means an area in the public right-of-way reserved for the exclusive use of streetcars during the loading or unloading of passengers or property.

(6) **STREET RAILROAD** means any rail or appurtenance located within a public right-of-way that is authorized by the city to be used for streetcars. (Ord. Nos. 20329; 32488)

SEC. 28-194. AUTHORITY OF THE DIRECTOR OF TRANSPORTATION AND PUBLIC WORKS.

~~—The director of transportation shall administer and enforce this article and otherwise exercise direction and control over the operation of all streetcars in the city in accordance with city ordinances, the city charter, and other applicable law and with any license issued to a streetcar company by the city.~~

The director of transportation and public works shall administer and enforce this article and otherwise exercise direction and control over the operation of all streetcars in the city in accordance with city ordinances, the city charter, and other applicable law and with any license issued to a streetcar company by the city. (Ord. Nos. 20329; 22026; 28424; 30239; 30654; 32864)

SEC. 28-195. OPERATION OF STREETCARS AND OTHER VEHICLES.

(a) When overtaking and passing on the right side of a streetcar that is approaching or stopped at a designated streetcar stop, a driver of a vehicle shall stop at least five feet from the rear of the streetcar and proceed only when safe, allowing pedestrians the right-of-way.

(b) A person commits an offense if he stops, stands, or parks any vehicle other than a streetcar at a designated streetcar stop or between the right curb and a designated streetcar stop.

(c) An operator of a streetcar may not stop the streetcar at any location other than a designated streetcar stop, except in an emergency or when complying with other traffic regulations. Streetcar passengers shall be loaded and unloaded only at a designated streetcar stop. (Ord. 20329)

SEC. 28-196. UNLAWFUL CONDUCT ON OR NEAR A STREETCAR.

(a) A person commits an offense if he:

- (1) boards, alights, clings to the outside of,

(7) TRANSIT CORRIDOR means the light rail transit system alignment known as the South Oak Cliff Line that operates within the center median of Lancaster Road from approximately 800 feet north of Illinois Avenue to Ledbetter Drive, after which point it crosses the southbound lane of Lancaster Road and ends at the light rail transit station located on the southwest corner of the intersection of Lancaster Road and Ledbetter Drive.

(8) TRANSITWAY MALL means the light rail transit system alignment in the central business district that is located within the right-of-way lines of the following described streets:

(A) Hawkins Street from approximately 150 feet north of Routh Street to Bryan Street;

(B) Bryan Street from Hawkins Street to Akard Street; and

(C) Pacific Avenue from Akard Street to approximately 50 feet west of Houston Street.

(9) SAFETY QUADRANT means that portion of each corner lot located within or abutting the transitway mall, whether composed of public or private property or both, that is contained within an area forming a quadrant of a circle having a 30-foot radius when measured from the point of intersection of adjacent street curb lines or, if there are not street curbs, what would be the normal street curb lines. (Ord. 22763)

SEC. 28-201. OPERATION OF VEHICLES IN THE TRANSITWAY MALL AND TRANSIT CORRIDOR.

(a) The transitway mall and the transit corridor are for the exclusive use of light rail vehicles. The right-of-way on each side of the transit corridor will be used for the operation of other vehicles.

(b) A person commits an offense if he:

(1) stops, stands, or parks any vehicle, other than a light rail vehicle, within the transitway mall or transit corridor; or

(2) operates any vehicle, other than a light rail transit vehicle, in any area within the transitway mall or transit corridor.

(c) It is a defense to prosecution under Subsection (b)(1) or (2) of this section that the vehicle was:

(1) being operated by an employee of the city or DART in the performance of official duties;

(2) an authorized emergency vehicle;

~~(3) a department of transportation, maintenance, utility, or service vehicle authorized by the city and DART to operate within the transit mall or transit corridor; or~~

(3) a department of transportation and public works, maintenance, utility, or service vehicle authorized by the city and DART to operate within the transit mall or transit corridor; or

(4) being operated in compliance with a valid permit issued by the city and approved by DART.

(d) It is a defense to prosecution under Subsection (b)(2) of this section that the vehicle was:

(1) crossing the transitway mall or transit corridor on a street designated for through traffic; or

(2) entering or exiting a private parking area with direct ingress or egress to or from the transitway mall, if the vehicle:

(A) was being operated in compliance with all speed, directional, and traffic control signs, devices, laws, and regulations applicable to the transitway mall; and

(B) at no time was operated on or across the fixed guideway of the transitway mall. (Ord. Nos. 22763; 30239; 30654; 32864)

CITY OF DALLAS, TEXAS

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CHAPTER 30

NOISE

- Sec. 30-1. Loud and disturbing noises and vibrations.
- Sec. 30-2. Loud and disturbing noises and vibrations presumed offensive.
- Sec. 30-2.1. Presumption.
- Sec. 30-3. Use of bell, siren, compression, or exhaust whistle on vehicles.
- Sec. 30-3.1. Noise from the idling of commercial motor vehicles.
- Sec. 30-3.2. Use of engine compression brakes prohibited.
- Sec. 30-4. Loudspeakers and amplifiers.
- Sec. 30-5. Penalties.

SEC. 30-1. LOUD AND DISTURBING NOISES AND VIBRATIONS.

A person commits an offense if he makes or causes to be made any loud and disturbing noise or vibration in the city that is offensive to the ordinary sensibilities of the inhabitants of the city. (Ord. Nos. 13744; 24835; 26022)

SEC. 30-2. LOUD AND DISTURBING NOISES AND VIBRATIONS PRESUMED OFFENSIVE.

The following loud and disturbing noises and vibrations are presumed to be offensive to the ordinary sensibilities of the inhabitants of the city:

- (1) The sounding of any horn or signal device on any automobile, motorcycle, bus, streetcar, or other vehicle, except as a danger signal, as required by state law.
- (2) The playing of any radio, phonograph, television, or musical instrument with such volume as to disturb the peace, quiet, comfort, or repose of

persons in any dwelling, apartment, hotel, or other type of residence.

(3) The continuous barking, howling, crowing, or making of other loud noises by an animal for more than 15 minutes near a private residence that the animal's owner or person in control of the animal has no right to occupy.

(4) The loud grating, grinding, or rattling noise caused by the use of any automobile, motorcycle, bus, streetcar, or vehicle that is out of repair or poorly or improperly loaded.

(5) The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of danger.

(6) The discharge into the open air of the exhaust of any stationary steam engine, stationary internal combustion engine, or motor boat engine, except through a muffler or other device that will effectively and efficiently prevent loud and disturbing noises or vibrations.

(7) The discharge into the open air of the exhaust from any motor vehicle, except through a muffler or other device that will effectively and efficiently prevent loud and disturbing noises or vibrations.

~~—————(8) Any construction activity related to the erection, excavation, demolition, alteration, or repair of any building on or adjacent to a residential use, as defined in the Dallas Development Code, other than between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, and between the hours of 8:00 a.m. and 7:00 p.m. on Saturdays and legal holidays, except that the director of transportation may issue a written permit to exceed these hours in the case of urgent necessity in the interest of public safety or for other reasons determined by the director of transportation to be necessary for the public health, safety, or welfare. For purposes of this paragraph, "legal holidays" include New Year's Day (January 1), Memorial Day (observed date), Fourth of July (July 4), Labor Day (observed date), Thanksgiving Day (observed date), and Christmas Day (December 25).~~

(8) Any construction activity related to the erection, excavation, demolition, alteration, or repair of

any building on or adjacent to a residential use, as defined in the Dallas Development Code, other than between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, and between the hours of 8:00 a.m. and 7:00 p.m. on Saturdays and legal holidays, except that the director of transportation and public works may issue a written permit to exceed these hours in the case of urgent necessity in the interest of public safety or for other reasons determined by the director of transportation and public works to be necessary for the public health, safety, or welfare. For purposes of this paragraph, "legal holidays" include New Year's Day (January 1), Memorial Day (observed date), Fourth of July (July 4), Labor Day (observed date), Thanksgiving Day (observed date), and Christmas Day (December 25).

(9) The shouting and crying of peddlers, hawkers, and vendors that disturb the quiet and peace of the neighborhood.

(10) The use of any drum or other instrument or sound amplifying equipment for the purpose of attracting attention by the creation of noise, to any performance, show, sale, or display of merchandise as to attract customers to any place of business.

(11) The use of mechanical loudspeakers or sound amplifiers on trucks or other moving vehicles for the purpose of advertising any show, sale, or display of merchandise.

(12) The collection of garbage, waste, or refuse between the hours of 10:00 p.m. and 7:00 a.m. on or within 300 feet of any residential use, as defined in the Dallas Development Code.

(13) The operation of sound equipment, including a car stereo, in a motor vehicle in such a manner that the noise is so audible or causes such a vibration as to unreasonably disturb the peace, quiet, or comfort of another person. (Ord. Nos. 13744; 22026; 24835; 26022; 28424; 30239; 30654; 32864)

SEC. 30-2.1. PRESUMPTION.

Whenever a violation of Section 30-2(11) of this chapter occurs, it is presumed that the registered owner of the vehicle for which the citation was issued is the person who committed the violation, either personally or through an agent or employee. Proof of ownership may be made by a computer-generated record of the registration of the vehicle with the Texas Department of Transportation showing the name of the person to whom state license plates were issued. This proof is

prima facie evidence of the ownership of the vehicle by the person to whom the certificate of registration was issued. (Ord. Nos. 22094; 24835)

SEC. 30-3. USE OF BELL, SIREN, COMPRESSION, OR EXHAUST WHISTLE ON VEHICLES.

No vehicle shall be equipped with and no person shall use upon a vehicle any bell, siren, compression or exhaust whistle, except that vehicles operated in the performance of duty by law enforcement officers, fire department, and ambulances may attach and use a bell, siren, compression or exhaust whistle. (Ord. 13744)

SEC. 30-3.1. NOISE FROM THE IDLING OF COMMERCIAL MOTOR VEHICLES.

(a) In this section:

(1) **COMMERCIAL MOTOR VEHICLE** means any motor vehicle with a gross vehicle weight rating (GVWR) over 14,000 pounds.

(2) **IDLE** means the operation of a motor vehicle engine in operating mode where the engine is not engaged in gear.

(b) A person commits an offense if he idles a commercial motor vehicle for more than five consecutive minutes at a location on or within 300 feet of any residential use, as defined in the Dallas Development Code.

(c) A person commits an offense if, on any premises that he owns or controls, he permits the idling of a commercial motor vehicle for more than five consecutive minutes at a location on or within 300 feet of any residential use, as defined by the Dallas Development Code.

(B) a position funded under a federal employment and training program as a participant meeting federal eligibility requirements, but not including administrative or staff positions;

(C) positions in the city's temporary help service program;

(D) a cooperative work-study program with an educational institution;

(E) a seasonal position, even though the assignment may last more than six months;

(F) a position that is intended to give introductory work experience to a person preparing for entry into the work force; and

(G) a position scheduled to work less than 20 hours per week.

(2) Release. A temporary employee does not serve probation and may be released at any time without right of internal appeal.

(b) Permanent employees. An employee is designated as permanent when appointed in any situation not defined as temporary under Subsection (a). Exceptions to this subsection must be approved by the director of human resources. Nothing in this provision conveys a contract of employment with the City of Dallas and nothing in this provision is intended to be a term of a contract when combined with any other document, instrument, or writing.

(c) Full-time and part-time status. An employee is designated as:

(1) full-time when appointed on a work schedule that is at least 40 hours per week or averages 40 hours per week;

(2) part-time when appointed on a work schedule that:

(A) is less than the usual work schedule of the unit to which the employee is assigned; or

(B) averages less than 40 hours per work week.

(d) Special appointments. An employee is designated as a special appointment when the appointment is:

(1) to a special body or commission not fully under the jurisdiction of the city, but where the employee is carried on the city payroll for administrative purposes;

(2) a mobility appointment under the federal Intergovernmental Personnel Act; or

(3) a cooperative appointment with another agency or organization. (Ord. Nos. 19340; 19473; 22026; 24873; 31745)

SEC. 34-9. ELIGIBILITY FOR BENEFITS.

~~(a) Employees.~~

~~(1) A permanent full-time employee is eligible for employee benefits, including, but not limited to, paid leave as provided in this chapter, health benefit plan participation, life insurance, and retirement benefits. Benefits may be changed at any time subject to applicable law and subject to city council approval when required, for any lawful reason, including budget constraints.~~

~~(2) An employee hired in a classification other than permanent full-time is eligible for benefits in accordance with federal law and as described in the applicable plan documents.~~

~~(3) A temporary employee is entitled to holiday pay in accordance with Section 34-25(b).~~

(a) Permanent employees.

(1) A permanent full-time employee is eligible for employee benefits, including, but not limited to, paid leave as provided in this chapter, health benefit plan participation, life insurance, and retirement benefits. Benefits may be changed at any time subject to applicable law and subject to city council approval when required, for any lawful reason, including budget constraints.

(2) An employee hired in a classification other than permanent full-time is eligible for benefits in accordance with federal law and as described in the applicable plan documents.

(b) City council members. City council members are not employees. City council members are eligible for certain tax-favored benefits in accordance with federal law and as described in the applicable plan documents. (Ord. Nos. 19340; 22026; 22195; 22296; 22318; 24873; 25051; 29883; 31745; 32342; 32865)

(K) Day after Thanksgiving/ September 11th Remembrance Day; and

(L) Christmas Day (December 25).

(2) Additional holidays may be granted by ordinance or resolution of the city council at the recommendation of the city manager.

~~—(b) Holiday pay. Paid holidays are extended to every permanent employee and to every temporary employee as described in Section 34-8(a). A full-time permanent or temporary employee receives holiday pay equal to the employee's standard work day. A part-time permanent or temporary employee receives holiday pay prorated on the basis of the average number of paid hours credited to the employee in the four payroll weeks preceding the holiday. For the purpose of calculating overtime, holidays are included as hours worked.~~

(b) Holiday pay. Paid holidays are extended to every permanent employee. A temporary employee receives the official city holiday without pay except that a temporary employee who is assigned to work on the official city holiday is paid for the hours worked. A full-time permanent employee receives holiday pay equal to the employee's standard work day. A part-time permanent employee receives holiday pay prorated on the basis of the average number of paid hours credited to the employee in the four payroll weeks preceding the holiday. For the purpose of calculating overtime, holidays are included as hours worked.

(c) Fire department. A sworn employee in the emergency response bureau of the fire department will receive the equivalent of 12 holidays a year in accordance with departmental regulations.

(d) Weekend holidays. When an official holiday falls on a weekend, the following alternative schedule applies:

(1) A holiday that falls on a Saturday will be taken the Friday before the holiday.

(2) A holiday that falls on a Sunday will be taken the Monday after the holiday.

(e) Worked holidays. In a department in which

employees regularly work on holidays, the department shall arrange schedules to allow each employee who works on the holiday a substitute holiday either before or after the holiday, but within a reasonable period of time. If the department cannot arrange a substitute holiday, the employee will be paid for hours equal to the employee's standard workday. This subsection does not apply to sworn fire department shift personnel.

(f) Loss of holiday pay. An employee will not receive pay for a holiday if the employee is:

(1) on unapproved leave without pay either the day before or the day following an official holiday;

(2) on unapproved leave without pay on a holiday on which the employee is normally scheduled to work; or

(3) on approved leave without pay the day before and the day following an official holiday, except to the extent the leave is authorized by the City's Family and Medical Leave provisions.

(g) Holiday during vacation or sick leave. When an official holiday occurs during an employee's vacation leave or sick leave, the employee will be paid for the holiday and no deduction from the employee's vacation or sick leave balance will be made for the holiday.

(h) Holiday during injury leave. Any employee who is on injury leave when a holiday occurs will be paid workers' compensation and will be paid for the holiday up to the number of hours needed to supplement the employee's pay. If the employee is on wage supplementation, no wage supplementation payments will be received for the holiday. No compensation will be provided for unused holiday time.

(i) Holiday during other leave. An employee on military leave, court leave, or death-in-family leave when a holiday occurs may take the holiday at a subsequent date convenient to the department.

(j) Death or discharge. Since final settlement of monies due an employee separated from the payroll because of death or discharge is paid in a lump sum, no holiday occurring after the date of death or discharge will be included in the determination of the settlement. (Ord. Nos. 19340; 24622; 24873; 28024; 28794; 29480; 32005; 32342; 32865)

SEC. 34-26. COURT LEAVE.

(a) Eligibility. Court leave is a privilege extended to every permanent employee.

(b) When granted. An employee shall be granted court leave when:

(1) summoned for jury duty; or

(2) subpoenaed to appear as a witness.

(c) Personal litigation. An employee may not be granted court leave when the employee is involved in personal litigation, except as permitted under Subsection (b) of this section.

(d) Notice to supervisor. The employee must notify the employee's supervisor upon receipt of a summons or subpoena for which court leave is requested.

(e) Fees. All fees paid and expenses reimbursed by the court may be retained by the employee, provided that the city did not furnish travel, meals, lodging, or miscellaneous expenses.

(f) Standard work day credit. An employee on court leave is credited with a standard work day on the payroll. No allowance will be made for overtime the employee might have earned if the employee had worked.

(g) Return to work. When an employee on court leave is excused by proper court authority, the employee shall report back to the employee's place of employment when as much as two hours working time remains. (Ord. Nos. 19340; 24873)

SEC. 34-27. DEATH-IN-FAMILY LEAVE.

(a) Eligibility. An allowance of three work days with pay is extended to every permanent employee when a member of the employee's immediate family dies.

(b) Other than immediate family. Death of a relative not included in the immediate family may be considered individually and up to three days leave time allotted as the circumstances warrant.

SEC. 36-45. INSPECTION OF POLES AND WIRES; NOTICE TO REMOVE, REPLACE, OR ALTER.

~~—The police chief, fire-rescue chief, and director of transportation, or their designated representatives, shall each have the power and duty to examine and inspect from time to time all poles and every wire or cable in the streets, alleys, highways, or public places within the city when such wire is designed to carry an electric current. They shall notify each person owning or using such poles when any pole is unsafe, and notify each person owning or operating any such wire or cable whenever its attachments, insulation, supports, or appliances are unsuitable or unsafe, and require that such poles, wires, or cables must be properly replaced, renewed, altered, or constructed. They shall require the owner of any pole or wire abandoned for use to remove the pole or wire.~~

The police chief, fire-rescue chief, and director of transportation and public works, or their designated representatives, shall each have the power and duty to examine and inspect from time to time all poles and every wire or cable in the streets, alleys, highways, or public places within the city when such wire is designed to carry an electric current. They shall notify each person owning or using such poles when any pole is unsafe, and notify each person owning or operating any such wire or cable whenever its attachments, insulation, supports, or appliances are unsuitable or unsafe, and require that such poles, wires, or cables must be properly replaced, renewed, altered, or constructed. They shall require the owner of any pole or wire abandoned for use to remove the pole or wire. (Code 1941, Art. 106-7; Ord. Nos. 22026; 28424; 30239; 30654; 32864)

SEC. 36-46. ARTICLE NOT A GRANT OF ADDITIONAL PRIVILEGES.

Nothing in this article grants any privilege or authority for any other term than already vested in persons now using and occupying the streets, alleys, and public places of the city. (Code 1941, Art. 106-9; Ord. 28424)

SEC. 36-47. EFFECT OF ARTICLE ON OTHER ORDINANCES.

Nothing in this article relieves any person of any condition, restriction, or requirement imposed by the ordinance in which it has been authorized to place in the streets, highways, alleys, or public places of the city its conduits, poles, wires, or other apparatus or imposed by this code or other ordinances previously enacted by the city. (Code 1941, Art. 106-10; Ord. 28424)

SEC. 36-48. RIGHTS RESERVED BY THE CITY.

The city reserves the right to promulgate at any time other restrictions and regulations as to the erection and maintenance of poles, wires, and other apparatus used in connection with the transmission of electricity and, from time to time, to require such poles as it deems proper to be removed and the wires on the poles to be run in conduits upon such terms as the city deems proper. (Code 1941, Art. 106-11; Ord. 28424)

SEC. 36-49. RIGHTS OF CERTAIN COMPANIES.

None of the obligations, burdens, and restrictions of this chapter may in any manner interfere with or destroy the rights and privileges secured by telegraph companies that have accepted the provisions of the Act of Congress of July 24, 1866. (Code 1941, Art. 106-12; Ord. 28424)

(12) RAILROAD COMPANY means a person owning or operating trains on a railroad line within the city.

(13) SLOW ORDER means a written or verbal instruction to a railroad company from the FRA, the city or the railroad company itself requiring the railroad company to reduce the speed of its trains on the portion of track referred to in the order because of conditions adversely affecting the safe operation of railroad traffic on that track.

(14) SWITCH OR SPUR RAILROAD LINE means any railroad line within the city, not designated as a main railroad line.

(15) TRAIN means any of the following:

(A) Any number of railroad engines, cars, or service vehicles operated as a unit.

(B) Railroad engines operated singly.

(C) Self-powered railroad cars.

(16) SHIFTABLE LOAD MATERIAL means brick, lumber, pipes, or other material capable of shifting within or falling from a railroad car as a result of the movement of the railroad car or the failure of load securing devices. (Ord. Nos. 18100; 22026)

ARTICLE II.

ENFORCEMENT, DECISION MAKING, REPORTING DUTIES.

SEC. 39-3. ENFORCEMENT.

(a) Enforcement authority. The provisions of this chapter shall be administered and enforced by the director. For this purpose, the director shall have police power necessary to secure compliance with the provisions of this chapter.

(b) Designation of local railroad company official. Each railroad company shall designate a local official who is an employee of the railroad company to be available for notification by the director. This designation shall be in writing to the director and shall include the information necessary to enable the director to contact the designated official in emergencies. The designated official shall be available at all times.

(c) Notification of violations by the director. The director shall notify, in writing, the FRA and the responsible railroad company of any violation of the provisions of this chapter. This written notification shall list all particulars of the alleged violation with sufficient detail to enable the United States Attorney General to seek prosecution under federal regulations.

(d) Penalty for violation. Upon conviction, a person who violates a provision of this chapter is punishable by a fine not to exceed \$500. A person who violates a provision of this chapter is guilty of a separate offense for each day or portion of a day during which the violation is committed, continued or permitted.

(e) Repeat violations. Whenever three or more violations are committed in any calendar year by the same railroad company, the director shall notify, in writing, the chairman of the committee and the responsible railroad company.

(f) Exception. This chapter does not apply to a public transportation authority chartered by the state or to any railroad tracks owned or operated by a public transportation authority chartered by the state. (Ord. Nos. 18100; 19963)

SEC. 39-4. THE SUBCOMMITTEE.

~~—(a) Creation of the railroad subcommittee. The chair of the committee is authorized to form a railroad subcommittee to provide better communication between the railroad companies and the city. If formed, the committee chair is authorized to appoint a representative from each railroad company and from the police department, fire-rescue department, and department of transportation of the city to serve as ex officio members of the subcommittee.~~

(a) Creation of the railroad subcommittee. The chair of the committee is authorized to form a railroad subcommittee to provide better communication between the railroad companies and the city. If formed, the committee chair is authorized to appoint a representative from each railroad company and from the police department, fire-rescue department, and department of transportation and public works of the city to serve as ex officio members of the subcommittee.

(b) Powers and duties of the subcommittee. The subcommittee has the following powers and duties:

- (1) To review railroad operations for public safety.
- (2) To recommend revisions to this chapter relating to the safety of rail operations. (Ord. Nos. 18100; 22026; 28424; 30239; 30654; 32864)

SEC. 39-5. REPORTING DUTIES AND REQUESTS FOR CITY ACTION.

(a) Reports to the director. Beginning January 1984, each railroad company shall furnish to the director complete operating and engineering data as specified by the director, including, but not limited to, the following information:

- (1) main lines in operation;
- (2) spurs being served;
- (3) a copy of the latest FRA inspection report for each main line;
- (4) a copy of the latest United States Department of Transportation's AAR crossing inventory form for each grade crossing;
- (5) an outline of any major maintenance or rehabilitation projects undertaken;
- (6) the number of through trains each day of the week and their average speed and length for each main line;

(7) the number of switch moves each day of the week and their average speed and length for each main line and each spur line;

(8) the approximate time of day reference for each train;

(9) hazardous materials movements and procedures;

(10) new crossing protection or grade separations.

(b) Supplemental reports. Every January and July after the filing of its initial report, each railroad company shall furnish to the director changes in any data required to be furnished in the initial report under Subsection (a).

(c) Accident reports. Each railroad company shall furnish to the director a copy of the FRA accident report within 72 hours of any accident involving track conditions, hazardous materials, or a motor vehicle collision with a train.

(d) Slow orders. Each railroad company shall notify the director within 48 hours of the imposition of any slow orders issued by the FRA if the slow orders are related to track or structure conditions.

(e) Requests for city action.

(1) A railroad company may request the director to bring proposed revisions to this chapter before the city council. These requests may include the following topics:

(A) rail operations;

(B) closure of hazardous or little-used grade crossings;

(C) speed limits; or

(e) Dallas Farmers Market. An applicant for a Dallas Farmers Market farmers market permit shall pay an annual application processing fee of \$400.

(f) Additional application processing fees for all permit types.

(1) A late application processing fee of \$40 per day is required, in addition to the applicable application processing fees required by Subsections (a), (b), (c), (d), (e), and (f) of this section, if the application is filed with the director less than the minimum number calendar days required by Sections 42A-12, 42A-21, 42A-28.2, 42A-29, or 42A-35 before the scheduled activity is to begin. This fee is limited to five days.

(2) An application processing fee of \$50 per minor change to an application requested by the applicant.

(3) An application processing fee of \$5,000 for a full or half street closure of the Margaret Hunt Hill Bridge for a period of 24 hours or less.

(4) An application processing fee of \$2,000 for a partial lane closure of the Margaret Hunt Hill Bridge for a period of 24 hours or less.

(5) An application processing fee of \$500 for a clean zone.

(6) An application processing fee of \$50 if alcohol will be provided at a permitted activity.

(7) An application processing fee of \$150 if alcohol will be sold at a permitted activity.

(g) Additional city department related fees when applicable.

~~(1) A fee of \$1,500 for the required activation of the office of emergency management for a planned permitted activity where the expected attendance is 30,000 or more.~~

(1) A fee of \$1,500 for the required activation of the office of emergency management and crisis response for a planned permitted activity where the expected attendance is 30,000 or more.

(2) A parking meter hooding or removal fee, computed in accordance with Section 28-114.12 of this code, for each parking meter required by the applicant to be hooded or removed for a planned permitted activity.

(3) A rental fee for city equipment and property used by the applicant for a planned permitted activity.

(4) A fee for the number of Dallas police officers, Dallas fire-rescue officers, or vehicles required by Sections 42A-13 and 42A-14 to provide security, crowd control, and traffic control at a permitted activity.

(5) A fee to reimburse the city for direct costs incurred by the city in providing services at a permitted activity; direct costs include, but are not limited to, the reasonable costs of setup, cleanup, public safety, oversight of city facilities and equipment, electrical services, construction, placement and retrieval of city equipment, and other related services beyond what the city would provide to the general public in the ordinary course of its daily operations.

(6) Fee for all other required permits and licenses must be paid.

(h) Non-profit applicants. The base application fee for all application types will be reduced by 50 percent for a certified 501(c)(3) non-profit applicant.

(i) List of charges. A current list of charges for the items, services, and personnel described in Subsections (g)(3), (4), and (5) and in Subsection (k), and for any other items, services, or personnel that may be required under this chapter, must be maintained by the director and published annually to the office of special events website. The chiefs of the police department and fire-rescue department shall provide to the director the current schedule of charges for the personnel and vehicles described in Subsection (g)(5).

(j) Security deposit. Not less than 10 days before the date of the planned permitted activity, the applicant shall deposit with the appropriate city department an amount equal to a security deposit for any city equipment or property rented under Subsection (g)(3), to be refunded to the applicant if the equipment or property is returned undamaged to the city.

(k) Police and fire-rescue fees. The applicant shall pay any remaining fees owed for all public safety expenses incurred by a special event, neighborhood market, street seats, or Dallas Farmers Market farmers market within 15 business days after receipt of an invoice from the city.

(l) Waiver. All or part of the application processing fees required by this section to be paid to the city for a city-sponsored activity may be waived by approval of the city manager or by city council resolution.

(m) Fee credit. If an application or permit is cancelled due to an Act of God and the permitted activity is rescheduled for an available date within 60 days from the original event date, any previously paid application processing fees will be credited toward the rescheduled date. (Ord. Nos. 21934; 31144; 31557; 31708; 32864)

SEC. 42A-7. INDEMNIFICATION.

An applicant for a permit issued under this chapter shall execute an agreement to indemnify the city and its officers and employees against all claims of injury or damage to persons or property, whether public or private, arising out of the permitted activity. (Ord. 31144)

SEC. 42A-8. APPEAL FROM DENIAL OR REVOCATION OF A PERMIT.

(a) If the director denies the issuance of a permit or revokes a permit, after three attempts to contact by

phone or email, the director shall send the applicant or permit holder by certified mail, return receipt requested, written notice of the denial or revocation and of the right of appeal. Mailed notice shall be deemed received and effective three days after the date of mailing whether the notice was actually received or not or whether the notice was returned unclaimed or undeliverable.

(b) The applicant or permit holder may appeal the decision of the director to the permit and license appeal board in accordance with Section 2-96 of this code. (Ord. 31144)

SEC. 42A-9. AMPLIFIED OUTDOOR SOUND AND LIGHTING.

(a) Except as provided in this section, amplified outdoor sound and lighting is allowed in conjunction with a permit issued under this chapter only between the hours of 8:00 a.m. and 10:00 p.m.

(b) The director may grant a variance to Subsection (a) if he determines that allowing outdoor amplified sound or lighting during additional hours will not result in an excessive negative impact on the quality of life of surrounding residences and businesses. (Ord. 31144)

SEC. 42A-10. HIGH IMPACT AREAS.

(a) The director shall publish a list of high impact areas on the office of special events website annually.

(b) A committee shall meet at least once annually to determine the list of high impact areas. The committee must be comprised of the office of special events and representatives of at least five city departments and partner agencies.

(c) The committee shall consider the following factors in determining which areas to designate as high impact areas:

~~—(g) An application may be cancelled if there is a scheduled utility repair/installation, street improvement, adjacent development project, parking space reassignment, or other restoration project, or if the location is deemed inappropriate by the director of transportation, public works, or office of special events. The applicant may be given the option to proceed with a shorter-term permit or to delay installation.~~

(g) An application may be cancelled if there is a scheduled utility repair/installation, street improvement, adjacent development project, parking space reassignment, or other restoration project, or if the location is deemed inappropriate by the director of transportation and public works or office of special events. The applicant may be given the option to proceed with a shorter-term permit or to delay installation.

(h) An application that has been cancelled because it is incomplete cannot be appealed under section 42A-8 and all application processing fees are forfeited.

(i) Upon receipt of a complete application, the application processing fee, and a \$1,000 refundable removal bond, the director shall forward a copy of the application to all applicable city departments and partner agencies for review. Consideration will be given based on accessibility, public safety, location, potential to enhance street scape, community and property owner support, adherence to design and public safety standards, quality of design, and capacity to construct, maintain, and remove the street seat among other factors.

(j) After reviewing and confirming all permit requirements have been met, the director shall issue a street seats permit unless denial or revocation is required by Section 42A-28.9.

(1) Private street seats permits are issued for parking spaces immediately abutting the applicant's business for the purpose of expanding the businesses seating capacity.

(2) Public street seats permits may be issued to a non-abutting person or entity after obtaining consent from abutting properties and required public support.

(3) A street seats Phase I permit will be

issued within 60 days of receipt of the application processing fee and proof of compliance with all requirements.

(4) A street seats Phase II permit may be issued within 30 days after construction commences based on successful site inspections, construction completion, and confirmation of compliance with all requirements

(k) No more than one street seat permit may be issued on a given block without written support from additional stakeholders as defined by director. (Ord. Nos. 31708; 32213; 32485; 32864)

SEC. 42A-28.3. LOCATION, DESIGN, AND OPERATIONS.

(a) A street seat must meet the requirements in this subsection which are further described in the guidebook.

(1) Street seats may only be placed adjacent to the curb in an unrestricted parking lane, on a street with dedicated permanent parking, and a posted speed limit of 30 miles-per-hour or less.

(2) A street seat may only activate in a space no larger than two parking spaces.

(3) A street seat may not interfere with other curb uses.

(4) A street seat must not create any interference with existing utility access and maintenance (i.e. manholes, storm and wastewater, telecom, etc.).

(5) Street seats are prohibited within a designated fire lane.

(6) Street seats must maintain required distances from other street amenities in accordance with the guidebook.

(b) Each street seat application must include a site plan as detailed in the guidebook.

(1) The certificate of insurance or policy and endorsements will be evidenced by delivery to Office of Special Events, 650 S. Griffin St., Dallas TX 75201.

(2) All certificates of insurance must name the City of Dallas as the certificate holder.

(c) An applicant shall maintain commercial general liability insurance and must provide single limits of liability for bodily injury (including death) and property damage of \$500,000 for each occurrence, with a \$1 million annual aggregate.

(d) Insurance required under this article must:

(1) include a cancellation provision in which the insurance company is required to notify the director in writing not fewer than 30 days before cancelling the insurance policy (for a reason other than non-payment) or before making a reduction in coverage;

(2) include a cancellation provision in which the insurance company is required to notify the director in writing not fewer than 10 days before cancelling for non-payment;

(3) include an endorsement to waive subrogation in favor of the city and its officers and employees for bodily injury (including death), property damage, or any other loss.

(4) comply with all applicable federal, state, and local laws.

(e) Any insurance policy required by this article must be on file with the city within 45 days of the issuance of the initial street seat permit, and thereafter within 45 days of the expiration or termination of a previously issued policy.

(f) Liquor liability insurance is required if street seats will be used for alcohol consumption, with a minimum limit of \$1 million each claim.

(g) In addition to the insurance requirements in this section, the director may require additional insurance for a permit if such additional insurance is recommended by the city's risk manager as being necessary for the protection of the city or the public health, safety, and welfare. (Ord. 31708)

SEC. 42A-28.8. STREET SEAT REMOVAL.

(a) The city reserves the right to require removal of a street seat for street improvements, utility work, emergencies, public safety, violation of agreements or permits, or other outstanding circumstances deemed necessary by the city.

~~(b) If at any time the directors of the office of special events or the departments of public works or transportation, require the removal of the street seat, the permit holder shall promptly remove the street seat within three business days in order to conform to the requirement, without any cost to the city.~~

(b) If at any time the directors of the office of special events or the department transportation and public works, require the removal of the street seat, the permit holder shall promptly remove the street seat within three business days in order to conform to the requirement, without any cost to the city.

(c) A permit holder shall, at its own expense, remove a street seat within five business days of permit expiration and return the area to the same condition as it was prior to installation. (Ord. Nos. 31708; 32864)

SEC. 42A-28.9. DENIAL OR REVOCATION.

(a) The director shall deny a street seats permit if:

(1) the applicant fails to meet any of the requirements outlined and defined in the guidebook;

(2) the applicant fails to provide proof that the applicant possesses or is able to obtain a license or permit required by another city ordinance or other applicable law for the conduct of all activities included as part of the street seat;

(3) the applicant has had a street seats

(4) the applicant has received, within the preceding 14 months, two or more notices of violation or citations related to a provision of a street seat permit or this chapter;

~~_____ (5) the director of transportation, public works, office of special events, the chief of the police department, or the chief of the fire-rescue department, determines that the street seat would pose a serious threat to the public health, safety, or welfare;~~

(5) the director of transportation and public works, office of special events, the chief of the police department, or the chief of the fire-rescue department, determines that the street seat would pose a serious threat to the public health, safety, or welfare;

(6) the applicant or any other person responsible for the conduct or sponsorship of the street seat is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the applicant or other person;

(7) the applicant has a history of conducting or sponsoring street seats in a disorderly, unsafe, unsanitary, or fiscally irresponsible manner;

(8) the director is notified of any code violation on the abutting property; or

(9) a street seat will interfere with the rights of nearby residents to the quiet, peaceable, and undisturbed enjoyment of their property.

(10) A street seat interferes with other curb uses including but not limited to:

- (i) Fire hydrant.
- (ii) Valet operation.
- (iii) Bus stop or transit station.
- (iv) Loading zone.
- (v) Taxi zones.
- (vi) Handicapped-access parking spaces.
- (vii) Other specially designated zones.

(viii) Licensing to another establishment.

(b) The director shall revoke a street seats permit if:

(1) the applicant fails to comply with, or the street seat is in violation of, any provision of the street seats permit, a city ordinance, or any other applicable law;

(2) the permit holder made a false statement or omission of material fact on an application for a street seat permit;

~~_____ (3) the director of transportation, public works, office of special events, or the chief of the police department or the chief of the fire-rescue department determines that the street seat would pose a serious threat to the public health, safety, or welfare;~~

(3) the director of transportation and public works, office of special events, or the chief of the police department or the chief of the fire-rescue department determines that the street seat would pose a serious threat to the public health, safety, or welfare;

(4) the permit holder fails to maintain public order in and around the street seat;

(5) the permit holder failed to pay any outstanding fees assessed under Section 42A-6 of this chapter for the proposed street seat or for a past street seat;

(6) the director is notified that the permit holder or any other person responsible for the conduct or sponsorship of the street seats is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the permit holder or other person; or

(7) the director is notified of any code violations on the abutting property. (Ord. Nos. 31708; 32864)

(7) the applicant has a history of conducting the installation, maintenance, or removal of streetlight pole banners in a disorderly or unsafe manner.

(b) The director shall revoke a streetlight pole banner permit if:

(1) the applicant fails to comply with, or the streetlight pole banners are in violation of any provision of the streetlight pole banner permit, a city ordinance, or any other applicable law;

(2) the permit holder made a false statement or omission of material fact on an application for a streetlight pole banner permit;

(3) the chief of the police department, the chief of the fire-rescue department, or the director determines that the installation, maintenance, or removal of the streetlight pole banners pose a serious threat to the public health, safety, or welfare;

(4) the permit holder fails to maintain public order in and around the installation, maintenance, or removal of the streetlight pole banners;

(5) the permit holder failed to pay any outstanding fees assessed under Section 42A-6 of this chapter for the installation, maintenance, or removal of the streetlight pole banners; or

(6) the director is notified that the permit holder or any other person responsible for the conduct or sponsorship of the installation, maintenance, or removal of the streetlight pole banners is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the permit holder or other person. (Ord. 31144)

ARTICLE VII.

ENFORCEMENT.

SEC. 42A-40. OFFENSES.

(a) A person commits an offense if he commences set up or conducts a special event, or neighborhood market, or erects a street seat or a streetlight pole banner:

(1) without a permit issued under this chapter or, for a streetlight pole banner in a special provision sign district, a sign permit issued under Chapter 51A of this code; or

(2) in violation of any provision of a permit issued under this chapter, this chapter, or any other city ordinance or applicable law.

(b) A person commits an offense if he is the individual named by the permit holder as the contact person for the event and he fails to meet police officers or code enforcement officers at the site of the special event, neighborhood market, or street seat within one hour of being contacted by a police officer or code enforcement officer by telephone or email.

(c) The culpable mental state required for the commission of an offense under this chapter is governed by Section 1-5.1 of this code.

~~(d) This chapter may be enforced by the director of the office of special events, the director of code compliance, the chief of police, the fire chief, the director of mobility, and the director of public works, or their designated representatives.~~

(d) This chapter may be enforced by the director of the office of special events, the director of code compliance, the chief of police, the fire chief, the director of mobility, and the director of transportation and public works, or their designated representatives. (Ord. Nos. 18702; 19869; 21934; 31144; 31708; 32864)

(2) any other information the director deems necessary.

(d) If, after reviewing the application, the director determines that the proposed indented parking meets the requirements of Subsections (b)(1) and (b)(2), but is located within 200 feet of a single family district, then the director shall send written notice of the indented parking proposal to all property owners located within 200 feet of the proposed indented parking. The notice must be given by depositing the notice properly addressed and postage paid in the United States mail to the property owners as evidenced by the last approved city tax roll.

(e) After receiving a notice under Subsection (d), a property owner has 14 days from the date the notice is mailed to file an objection to the indented parking proposal with the director. If any property owner notified under Subsection (d) timely files an objection with the director, then the director shall deny the application for indented parking.

(f) If the only basis for director’s denial is that an objection was timely filed under Subsection (e), then the applicant may appeal the denial to the city plan commission. A written request for an appeal must be signed by the applicant or its legal representative and filed with the director within 15 days after the date the director’s decision is issued. The appeal request must be accompanied by an appeal filing fee of \$800.

(g) The city plan commission shall hold a public hearing to allow interested parties to express their views regarding the appeal. The director shall give notice of the public hearing in a newspaper of general circulation in the city at least 10 days before the hearing. In addition, the director shall send written notice of the hearing to all property owners located within 200 feet of the proposed indented parking. The notice must be given not less than 10 days before the date set for the hearing by depositing the notice properly addressed and postage paid in the United States mail to the property owners as evidenced by the last approved city tax roll.

(h) At the public hearing, the city plan commission shall determine whether the requested parking would detrimentally affect neighboring property. The city plan commission may reverse or affirm, in whole or in part, or modify the decision of the director based upon testimony presented at the public hearing, technical information provided by city staff, and the standards contained in this section. The decision of the commission is final.

(i) For purposes of this section, measurements must be made in a straight line, without regard to intervening structures or objects, from the nearest point of any proposed indented parking space to the nearest point of the boundary of a single-family district or other property required to receive notice under Subsection (d) or (g).

(j) Nothing in this section limits the authority of the city traffic engineer to approve parking under Chapter 28 of this code. (Ord. Nos. 8590; 11283; 27227)

SEC. 43-63. REPAIR OF DEFECTIVE SIDEWALKS OR DRIVEWAYS BY ABUTTING PROPERTY OWNERS.

(a) When a sidewalk, driveway, or any appurtenance to a sidewalk or driveway becomes defective, unsafe, or hazardous, the abutting property owner shall reconstruct or repair the sidewalk, driveway, or appurtenance, and the expense of such work must be borne by the abutting property owner.

~~—(b) When a sidewalk, driveway, or appurtenance to a sidewalk or driveway is found to be defective, unsafe or hazardous, the director of public works or the director of code compliance shall notify the owner of the abutting property to reconstruct or repair the sidewalk, driveway, or appurtenance.~~

~~—(c) Any owner who fails to reconstruct or repair a defective, unsafe, or hazardous condition within 30 days after the date of the written notice from the director of public works or the director of code compliance to do so, or any owner who fails to begin such reconstruction or repair within 15 days after the date of such notice, is guilty of an offense.~~

(b) When a sidewalk, driveway, or appurtenance to a sidewalk or driveway is found to be defective, unsafe or hazardous, the director of transportation and

public works or the director of code compliance shall notify the owner of the abutting property to reconstruct or repair the sidewalk, driveway, or appurtenance.

(c) Any owner who fails to reconstruct or repair a defective, unsafe, or hazardous condition within 30 days after the date of the written notice from the director of transportation and public works or the director of code compliance to do so, or any owner who fails to begin such reconstruction or repair within 15 days after the date of such notice, is guilty of an offense. (Ord. Nos. 8590; 13898; 19963; 22026; 23694; 30239; 30654; 32864)

Division 2. Bicycle Parking Devices.

SEC. 43-120. DEFINITIONS.

In this division:

(1) BICYCLE PARKING DEVICE means a device, approved as to size and design by the director, to which a bicycle may be secured by a lock either provided by the user or provided on the device.

(2) CITY means the city of Dallas, Texas.

(3) DIRECTOR means the director of the department designated by the city manager to enforce and administer this division, or the director’s designated representative. (Ord. Nos. 18838; 22026)

SEC. 43-121. LICENSE REQUIRED; APPLICATION; ISSUANCE.

(a) A person commits an offense if he installs or operates a bicycle parking device on a public right-of-way within the city without a license issued by the director.

(b) A person who desires to install or operate a bicycle parking device on a public right-of-way abutting his property shall apply in writing to the director for a bicycle parking device license. The application must contain the following information:

(1) the names, addresses, and telephone numbers of:

(A) the applicant;

(B) if the applicant is a lessee, the property owner; and

(C) the manufacturer of each bicycle parking device to be installed or operated;

(2) the number of bicycle parking devices to be installed or operated;

(3) the proposed location of each bicycle parking device;

(4) the dimensions of each bicycle parking device, measured with and without bicycles parked in the device;

(5) the proposed method of securing each bicycle parking device to the public right-of-way; and

(6) if the applicant is a lessee, written consent from the property owner to install or operate any bicycle parking device on public right-of-way abutting his property.

~~—(c) The director shall forward a copy of any completed application to the departments of public works, sanitation services, code compliance, planning and urban design, and development services, and to any utility company that might be affected by the proposed installation and operation of a bicycle parking device. Each department, and any utility company notified, shall review the application and return it, with any comments, to the director within 30 days of receipt.~~

(c) The director shall forward a copy of any completed application to the departments of transportation and public works, sanitation services, code compliance, planning and urban design, and development services, and to any utility company that might be affected by the proposed installation and operation of a bicycle parking device. Each department, and any utility company notified, shall review the application and return it, with any comments, to the director within 30 days of receipt.

(d) After reviewing the application and departmental comments, the director may issue a bicycle parking device license unless denial is required by Section 43-122. (Ord. Nos. 18838; 22026; 23694; 25047; 27697; 28424; 29478; 29882; 30239; 30654; 32002; 32864)

SEC. 43-122. DENIAL OR REVOCATION OF LICENSE.

(a) The director shall deny a bicycle parking device license if:

(1) the applicant fails to comply with the

(A) the applicant;

(B) if the applicant is a lessee, the property owner; and

(C) any independent contractor the applicant will use to provide valet parking service;

(2) the proposed location of the valet parking service and any valet parking service stands;

(3) the number of spaces requested to be reserved for the valet parking service, each space being 22 feet long, if parallel to the curb, or nine feet wide, if head in to the curb; as a rule, three spaces must be reserved unless the director determines that, because of special traffic conditions, a greater or lesser number of spaces is needed to efficiently operate the valet parking service;

(4) the proposed hours and days of operation of the valet parking service;

(5) the location of off-street parking to be used in connection with the valet parking service and a signed agreement or other documentation showing that the applicant has a legal right to park vehicles at that location;

(6) proof of insurance required by Section 43-126.12; and

(7) a list of names and addresses of all property owners, or their representatives, located within 50 feet of, on the same side of the street as, and within the same block as the valet parking service location, either:

(A) with signatures showing consent to the operation of a valet parking service by the applicant; or

(B) without signatures, in which case the director shall notify the listed persons of the valet parking service application and obtain comments.

~~— (d) The director shall forward a copy of any completed application to any person required to be notified under Subsection (c)(7) and to the departments of public works, sanitation services, code compliance, development services, planning and urban design, and risk management, and to any other department that might be affected by the proposed operation of a valet parking service. Each department, and any other notified persons, shall review the application and return it, with any comments, to the director within 30 days of receipt.~~

(d) The director shall forward a copy of any completed application to any person required to be notified under Subsection (c)(7) and to the departments of transportation and public works, sanitation services, code compliance, development services, planning and urban design, and risk management, and to any other department that might be affected by the proposed operation of a valet parking service. Each department, and any other notified persons, shall review the application and return it, with any comments, to the director within 30 days of receipt.

(e) After reviewing the application and comments of the departments and of any person notified in accordance with Subsection (c)(7), and upon receiving payment of all fees required by this division, the director may issue a valet parking service license unless denial is required by Section 43-126.7.

(f) A licensee desiring to change the location or hours of operation of a valet parking service must submit a new application to the director in accordance with this section. (Ord. Nos. 19190; 22026; 23694; 25047; 27697; 28424; 29478; 29882; 30239; 30654; 32002; 32864)

SEC. 43-126.6. FEES.

~~— (a) A nonrefundable application fee of \$800 must accompany each application for a valet parking service license.~~

(a) A nonrefundable application fee of \$1,700 must accompany each application for a valet parking service license.

(b) The annual fee for a valet parking service license is:

(1) if the valet parking service is being conducted inside the central business district, \$250 per

parking service, plus \$1,000 for each space over two reserved by the valet parking service.

(c) No annual license fee is required if the valet parking service is conducted completely on private property and the public right-of-way is only used for maneuvering vehicles.

(d) In addition to other fees required by this section, an applicant must pay \$400 for each sign or curb marking placed by the city at the valet parking service location in accordance with Section 43-126.14 of this division.

(e) In addition to other fees required by this section, an applicant must pay an annual fee of \$50 if a valet parking service stand is placed on public right-of-way. (Ord. Nos. 19190; 19969; 25539; 31657; 32863)

SEC. 43-126.7. DENIAL OR REVOCATION OF LICENSE; TEMPORARY SUSPENSION.

(a) The director shall deny a valet parking service license if:

(1) the applicant fails to comply with the requirements of this division or other applicable law;

(2) the applicant makes a false statement of material fact on an application for a valet parking service license; or

(3) the director determines that the operation of the valet parking service would:

(A) endanger the safety of persons or property or otherwise not be in the public interest;

(B) unreasonably interfere with pedestrian or vehicular traffic;

(C) unreasonably interfere with the use of a pole, traffic sign, traffic signal, hydrant, mailbox, or

other object permitted at or near the proposed location of the valet parking service; or

(D) unreasonably interfere with an existing use permitted at or near the proposed location of the valet parking service.

(b) The director shall revoke a valet parking service license if:

(1) the licensee fails to comply with the requirements of the valet parking service license, this division, or other applicable law;

(2) the licensee made a false statement of material fact on an application for a valet parking service license; or

(3) the director determines that the operation of the valet parking service:

(A) endangers the safety of persons or property or is otherwise not in the public interest;

(B) unreasonably interferes with pedestrian or vehicular traffic;

(C) unreasonably interferes with the use of a pole, traffic sign, traffic signal, hydrant, mailbox, or other object permitted at or near the location of the valet parking service; or

(D) unreasonably interferes with an existing use permitted at or near the location of the valet parking service.

(c) The city council may, at any time, unconditionally revoke a valet parking service license issued pursuant to this division.

(d) The director may temporarily suspend the operations of a valet parking service if the public right-of-way reserved by the valet parking service is needed for an emergency or temporary use, including, but not limited to, the construction, maintenance, or repair of

~~(5) DIRECTOR means the director of public works, or a designee.~~

(5) DIRECTOR means the director of transportation and public works, or a designee.

(6) FREESTANDING NEWSRACK means a newsrack that is not a multiple newsrack unit or a part of a multiple newsrack unit.

(7) LICENSE means permission granted under this division to a person to install, operate, or maintain a newsrack within the public right-of-way of the city for a specified period of time.

(8) LICENSEE means the publisher, and any other person operating and maintaining a newsrack on behalf of a publisher, who is issued a license under this division to install, operate, or maintain a newsrack within the public right-of-way of the city.

(9) MULTIPLE NEWSRACK UNIT means a single structure containing more than one newsrack that is installed by the city or a city contractor in a multiple newsrack unit zone.

(10) NEWSRACK means any self-service or coin-operated container, rack, or structure used or maintained for the display, distribution, or sale of newspapers, periodicals, or other publications.

(11) PERSON means an individual, assumed name entity, partnership, joint venture, association, corporation, or other legal entity.

(12) PUBLISHER means any person who owns and/or distributes newspapers, periodicals, or other publications.

(13) SPLIT-DOOR NEWSRACK means a freestanding newsrack or a newsrack space in a multiple newsrack unit that has been split into two separate distribution areas. (Ord. Nos. 26809; 27201; 27697; 32002; 32864)

SEC. 43-126.17. LICENSE AND DECAL REQUIRED.

(a) A person commits an offense if:

(1) he installs, operates, or maintains a newsrack on any portion of a public right-of-way within the city that is open to vehicular traffic;

(2) without a license issued under this division, he installs, operates, or maintains a newsrack on a public right-of-way in the city that is not open to vehicular traffic;

(3) he installs, operates, or maintains on a public right-of-way a newsrack that does not display a valid decal issued under this division;

(4) he forges, alters, or counterfeits a newsrack decal required by this division or possesses a forged, altered, or counterfeited newsrack decal; or

(5) without the consent of the director, he defaces or removes a decal that is displayed on a newsrack as required by this division.

(b) It is a defense to prosecution under Subsection (a)(2) or (a)(3) of this section that the person was installing, operating, or maintaining the newsrack pursuant to a contract with the city for those services. (Ord. Nos. 26809; 27201)

SEC. 43-126.18. LICENSE APPLICATION; ISSUANCE OF LICENSE; AND DISPLAY OF DECALS.

(a) A person who desires to install, operate, or maintain a newsrack on a public right-of-way that is not open to vehicular traffic shall submit an application for a newsrack license to the director on a form provided for that purpose. The applicant must be

established by the director for the placement, installation, collocation, replacement, and repair of network nodes, as that term is defined in Chapter 284 of the Texas Local Government Code, as amended, and any related infrastructure, including poles, in the public right-of-way.

~~———— (9) DIRECTOR means the director of public works or any designated representative.~~

(9) DIRECTOR means the director of transportation and public works or any designated representative.

(10) EMERGENCY ACTIVITY means circumstances requiring immediate construction or operations by a public service provider to:

(A) prevent imminent damage or injury to the health or safety of any person or to the public right-of-way;

(B) restore service; or

(C) prevent the loss of service.

(11) EXCAVATION means the removal of dirt, fill, or other material in the public right-of-way, including but not limited to the methods of open trenching, boring, tunneling, or jacking.

(12) FACILITIES means the plant, equipment, buildings, structures, poles, wires, cables, lines, conduit, mains, pipes, vaults, above ground utility structures, and appurtenances of a public service provider and includes property owned, operated, leased, licensed, used, controlled, or supplied for, by, or in connection with the business of the public service provider.

(13) MAJOR PROJECT means any construction that requires a pavement cut of a length of 300 linear feet or greater within any single street or alley or any construction in an area that the director determines occurs in an area of high vehicular traffic.

(14) PAVEMENT CUT means a cut made into the paved surface of the public right-of-way.

(15) PAVEMENT CUT AND REPAIR STANDARDS MANUAL means a manual published by the city of Dallas that contains engineering, technical, and other special criteria and standards established by the director for pavement cut, excavation, backfill, restoration, and repair activities in the public right-of-way.

(16) PERMITTEE means the person applying for or receiving a permit to perform construction within the city's right-of-way under the terms and conditions of this article. The term includes:

(A) any officer, director, partner, manager, superintendent, or other authorized person exercising control over or on behalf of the permittee; and

(B) any contractor or subcontractor of the permittee, for purposes of compliance with the *City of Dallas Pavement Cut and Repair Standards Manual* and the traffic control, construction, and maintenance requirements of this article.

(17) PERSON means a natural person, a corporation, a public service provider, a governmental entity or agency (including the city), a limited liability company, a joint venture, a business trust, an estate, a trust, a partnership, an association, or any other legal entity.

(18) PUBLIC RIGHT-OF-WAY means any area of land within the city that is acquired by, dedicated to, or claimed by the city in fee simple, by easement, or by prescriptive right and that is expressly or impliedly accepted or used in fact or by operation of law as a public roadway, highway, street, sidewalk, alley, or utility access easement. The term includes the area on, below, and above the surface of the public right-of-way. The term applies regardless of whether the public right-of-way is paved or unpaved. The term does not include airwaves above the public right-of-way that fall under the exclusive jurisdiction of the United States government.

(19) PUBLIC SERVICE PROVIDER means any wholesale or retail electric utility, gas utility,

telecommunications company, cable company, water utility, storm water utility, or wastewater utility, regardless of whether the public service provider is publicly or privately owned or required to operate within the city pursuant to a franchise, including a network provider as that term is defined in Chapter 284 of the Texas Local Government Code, as amended.

(20) SPOILS or EXCAVATED MATERIAL means construction waste, construction supplies, or excavated dirt, fill, or other similar material that is stored or placed upon the surface of a public right-of-way.

(21) SUBDIVISION means "subdivision" as defined in Article VIII, "Plat Regulations," of the Dallas Development Code, as amended.

(22) THOROUGHFARE means:

(A) a public traffic arterial, as designated in the city's thoroughfare plan;

(B) a nonresidential collector street, as defined in the *Street Design Manual* of the city of Dallas; and

(C) all streets within the central business district.

(23) UTILITY STRUCTURE:

(A) means any structure, cabinet, or other appurtenance (other than a pole or a device attached to a pole) that is owned or used by a public service provider to provide service; and

(B) does not include:

(i) a device or structure used to control or direct pedestrian or vehicular traffic on an adjacent roadway; or

(ii) any infrastructure that provides water used for fire suppression. (Ord. Nos. 24495; 26263; 28424; 30239; 30620; 30654; 31313; 32864)

SEC. 43-136. DIRECTOR'S AUTHORITY; ENFORCEMENT; OFFENSES.

(a) The director is authorized to administer and enforce the provisions of this article, and to promulgate regulations, including but not limited to engineering, technical, and other special criteria and standards, to aid in the administration and enforcement of this article that are not in conflict with this article, this code, or state or federal law. To further aid in the administration and enforcement of this article, the director is also authorized to promulgate regulations and operational standards governing the shared use of the public right-of-way by transportation uses (including but not limited to streetcars) and public service providers, so long as those regulations and standards are not in conflict with this article, this code, or state or federal law.

(b) The director is authorized to enter upon a construction site for which a permit is granted under this article or, where necessary, upon private property adjacent to the construction site, for purposes of inspection to determine compliance with the permit or this article.

(c) A person commits an offense if he:

(1) performs, authorizes, directs, or supervises construction without a valid permit issued under this article;

(2) violates any other provision of this article;

(3) fails to comply with restrictions or requirements of a permit issued under this article; or

(4) fails to comply with an order or regulation of the director issued pursuant to this article.

(d) A person commits an offense if, in connection with the performance of construction in the public right-of-way, he:

must be the person who will own, control, or operate the proposed shared dockless vehicle service.

(b) An applicant shall file with the director a verified application statement, to be accompanied by a non-refundable application fee, containing the following, in addition to the information needed under Subsection (c):

(1) the form of business of the applicant and, if the business is a corporation or association, a copy of the documents establishing the business and the name and address of each person with a 20 percent or greater ownership interest in the business;

(2) the verified signature of the applicant;

(3) the address of the fixed facilities to be used in the operation, if any, and the address of the applicant's corporate headquarters, if different from the address of the fixed facilities;

(4) the name of the person designated by the applicant to receive on behalf of the applicant any future notices sent by the city to the operator, and that person's contact information, including a mailing address, telephone number, and email or other electronic address;

(5) documentary evidence from an insurance company indicating that such insurance company has bound itself to provide the applicant with the liability insurance required by this article;

(6) documentary evidence of payment of ad valorem taxes on property within the city, if any, to be used in connection with the operation of the proposed shared dockless vehicle service;

(7) documentary evidence from a bonding or insurance company or a bank indicating that the bonding or insurance company or bank has bound itself to provide the applicant with the performance bond or irrevocable letter of credit required by this article;

(8) the number and types of shared dockless vehicles to be operated;

(9) an agreement to indemnify the city; and

(10) three references from municipal bodies located in North America where the applicant is currently operating.

(c) The director shall review the application for an operating authority permit and determine if the following criteria have been met, in addition to other criteria that the director may establish by rule or regulation:

(1) the operator's effort to educate users and ensure compliance by its users with applicable laws;

(2) the operator's capacity to comply with this article, rules and regulations issued by the director, and all other state or federal laws or regulations;

(3) the operator's experience operating shared dockless vehicle services, including the operator's compliance with applicable laws; and

(4) the operator's efforts to increase access to shared dockless vehicle service to low-income and non-English speaking users.

(d) An operating authority permit may be renewed following the process in this section.

~~—(e) The initial application for an operating authority permit must be accompanied by an application fee of \$2,000 and the appropriate vehicle fee as specified in Section 43-172. Applications to renew an operating authority permit must be accompanied by an application fee of \$1,000 and the appropriate vehicle fee as specified in Section 43-172.~~

(e) The initial application for an operating authority permit must be accompanied by an application fee of \$2,650 and the appropriate vehicle fee as specified in Section 43-172. Applications to renew an operating authority permit must be accompanied by an application fee of \$1,000 and the appropriate vehicle fee as specified in Section 43-172. (Ord. Nos. 30936; 31479; 32236; 32863)

(4) SHELTER PARTICIPANT means a homeless individual or family lodging overnight at a shelter.

(5) TEMPORARY INCLEMENT WEATHER SHELTER or SHELTER means a facility operating as a temporary inclement weather shelter as defined in Sections 51-4.217 and 51A-4.217 and in accordance with this chapter.

(6) TEMPORARY INCLEMENT WEATHER SHELTER COORDINATOR or COORDINATOR means a city employee designated by the city manager to implement, administer, and enforce this chapter or his or her designated representative.

(7) TEMPORARY INCLEMENT WEATHER SHELTER PERMIT means written approval issued by the coordinator to operate a shelter. (Ord. 31695)

SEC. 45-3. AUTHORITY AND DUTIES OF THE COORDINATOR.

(a) The coordinator shall implement and enforce this chapter and shall discharge any duty necessary under or to affect the policy of this chapter.

(b) The coordinator may assist the applicant or operator in coordinating applications for any required city-issued permit or license in addition to the temporary inclement weather shelter permit. (Ord. 31695)

SEC. 45-4. OPERATION OF SHELTERS GENERALLY.

(a) Shelters may only operate and host shelter participants during times of cold weather advisory and heat weather advisory.

(b) Shelters must be operated in compliance with an approved operation plan.

(c) Shelters' intake procedures must comply with Chapter 46, "Unlawful Discriminatory Practices Relating to Sexual Orientation and Gender Identity and Expression." (Ord. 31695)

SEC. 45-5. SHELTER SPACE.

(a) Except as provided in this section, shelters must provide a minimum of 40 square feet of space per shelter participant.

(b) Each designated sleeping area must provide a walkway of four feet between each row to provide emergency access. (Ord. 31695)

SEC. 45-6. CHAPTER CUMULATIVE.

The provisions of this chapter are cumulative of all city ordinances. Building, electrical, food establishment, fire safety, and all other permits and licenses required by ordinance or other law for specific activities to be conducted in conjunction with or as part of a temporary inclement weather shelter permit must be applied for separately, in accordance with the applicable city ordinance or state or federal law. (Ord. 31695)

SEC. 45-7. EXEMPTION.

~~—The provisions of this chapter do not apply to a shelter established as disaster relief operated by the office of emergency management.~~

The provisions of this chapter do not apply to a shelter established as disaster relief operated by the office of emergency management and crisis response. (Ord. Nos. 31695; 32864)

(7) BACKFLOW PREVENTION DEVICE means a device, including but not limited to reduced pressure devices, double check valves and vacuum breakers, approved by the director and used to prevent water of unknown quality in private plumbing facilities from flowing back into the water system.

~~(8) BEST MANAGEMENT PRACTICES (BMPs) means a schedule of activities, maintenance procedures, and other management practices that prevent the unlawful discharge of pollutants, listed in Section 49-36(b) and (c), into the wastewater system. BMPs include treatment requirements, operating procedures, and practices that control plant site runoff, spillage or leaks of chemicals, sludge or waste disposal, and drainage from raw material storage.~~

(8) BEST MANAGEMENT PRACTICES (BMPs) means a schedule of activities, maintenance procedures, and other management practices that prevent the unlawful discharge of pollutants, listed in Section 49-43(a) and (b), into the wastewater system. BMPs include treatment requirements, operating procedures, and practices that control plant site runoff, spillage or leaks of chemicals, sludge or waste disposal, and drainage from raw material storage.

(9) BOD (BIOCHEMICAL OXYGEN DEMAND) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/L).

(10) BUILDING DRAIN means that part of the lowest horizontal piping of a drainage system that receives wastewater discharge from drainage pipes within a building, and conveys it to the building lateral that begins two feet outside the inner face of the building wall or foundation.

(11) BUILDING LATERAL means the conduit or pipe extending from the building drain to the wastewater service line at the property line or other lawful place of disposal.

(12) BUILDING WATER LINE means the water line on private premises that acts as the main water service to the premises.

(13) BYPASS means the intentional diversion of industrial waste from any portion of an industrial

user's treatment facility.

(14) CATEGORICAL INDUSTRIAL USER means an industrial user subject to a categorical pretreatment standard or categorical standard as defined in Title 40, Code of Federal Regulations, Part 403.3(v)(1)(i), as amended.

(15) CITY means the city of Dallas, Texas.

(16) CITY ATTORNEY means the city attorney of the city, or the city attorney's authorized assistants.

(17) CITY COUNCIL means the governing body of the city.

(18) CITY ENVIRONMENTAL HEALTH OFFICER means the environmental health officer of the city appointed by the city manager pursuant to Section 19-1(b) of this code, or an authorized representative.

(19) CITY MANAGER means the city manager of the city, or the city manager's authorized assistants.

(20) CITY PLAN COMMISSION means the city plan and zoning commission of the city. The city plan commission is the body authorized to give final approval to plats of property within the city.

(21) CITY RESERVOIR means Lake Ray Hubbard, White Rock Lake, Bachman Lake, and that portion of Joe Pool Lake located within the territorial jurisdiction of the city.

(22) CITY SECRETARY means the city secretary of the city, or the city secretary's authorized assistants.

(23) CLOSED SPRINKLER SYSTEM means a fire protection system with automatic water flow sprinklers from which no water may be taken manually except from the test cock.

(35) DIRECTOR means the director of the department designated to implement, administer, or enforce a particular provision of this chapter, or the director’s authorized assistants and representatives.

(36) EPA means the United States Environmental Protection Agency or, where appropriate, the regional administrator or other duly authorized official of the agency.

(37) EVALUATED COST means the cost of a water or wastewater main, established by unit values for the size of main and appurtenances, as prescribed in Section 49-18.11.

(38) FIRE PROTECTION SYSTEM means any configuration of pipes connected to a sprinkler system or other fire protection device on private premises that, when connected to the water system, is used to extinguish fires.

(39) FOOD SERVICE ESTABLISHMENT means any industrial user engaged primarily or incidentally in the preparation of food for human or animal consumption, except that the term does not include any user discharging domestic wastewater from premises used exclusively for residential purposes. The term includes but is not limited to restaurants, motels, hotels, cafeterias, hospitals, schools, bars, delicatessens, meat processing operations, bakeries, and similar operations.

~~(40) FLOATABLE GREASE means grease, oil, or fat in a physical state such that it will separate or stratify by gravity in wastewater.~~

(40) FOURDAY AVERAGE LIMIT means the average value from four consecutive sampling days.

(41) GARBAGE means animal and vegetable waste and residue from the preparation, cooking, and dispensing of food and from the handling, storage, and sale of food products and produce.

(42) GENERAL SERVICE means service to premises that are not residential service premises.

(43) GOVERNMENTAL ENTITY means the United States, the State of Texas, any county, any municipal corporation, town, or village other than the city, any school, college, or hospital district, any district or authority created and existing under Article XVI, Section 59 or Article III, Section 52 of the Texas Constitution, any other entity considered a political subdivision of the State of Texas under state law, and any lawfully created and existing agencies of these governmental entities.

(44) GRAB SAMPLE means a sample taken during a period of 15 minutes or less.

(45) GREASE means oils, fats, cellulose, starch, proteins, wax, or other types of grease, oil, or fat regardless of origin and whether or not emulsified.

(46) GREASE TRAP/INTERCEPTOR means a device that:

(A) is designed to use differences in specific gravities to separate and retain light density liquids, waterborne fats, oils, and greases prior to the wastewater entering the wastewater system; and

(B) serves to collect settleable solids, generated by and from food preparation activities, prior to the water exiting the trap/ interceptor and entering the wastewater system.

(47) HOSE-END SPRINKLER means a device through which water flows from a hose to a sprinkler to water any lawn or landscape.

(48) INDIRECT DISCHARGE or DISCHARGE means the introduction of pollutants into the wastewater system from any nondomestic source.

(49) INDIVIDUAL OWNER means:

(A) an owner requesting extension of an existing water or wastewater main to property that is

or will be used in the operation of the owner’s own residence or in the operation of a business not requiring larger than a one-inch water service connection, which property will not be further sold or leased in connection with its intended function; or

(B) a governmental entity requesting the construction or extension of a water or wastewater main to serve property the entity owns or leases for its own use, regardless of the size of service connection utilized, except that this term does not include a governmental entity that requires, among other things, the construction or extension of an off-site water or wastewater main in order to serve its proposed land use or development.

(50) INDUSTRIAL SURCHARGE means the additional charge made to a person who discharges into the wastewater system industrial waste that is amenable to treatment by the wastewater system but that exceeds the strength of normal wastewater.

(51) INDUSTRIAL USER means a source of indirect discharge or the nondomestic source of pollutants into the wastewater system.

(52) INDUSTRIAL WASTE means wastewater or other water-borne solids, liquids, grease, sand, or gaseous substances resulting from an industrial, manufacturing, or food processing operation, from the operation of a food service establishment, from the development of a natural resource, or from any other nondomestic source, or any mixture of these substances with water or normal domestic wastewater.

(53) INSTANTANEOUS MAXIMUM ALLOWABLE DISCHARGE LIMIT means the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.

~~(54) INTERFERENCE means a discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the wastewater system, its treatment processes or operations, or its sludge processes, use, or disposal.~~

(54) INTERFERENCE means a discharge that, alone or in conjunction with a discharge or discharges

from other sources, both:

(A) inhibits or disrupts the publicly-owned treatment works (POTW), its treatment processes or operations, or its sludge processes, use, or disposal; and

(B) causes of a violation of any requirement of the POTW's National Pollutant Discharge Elimination System (NPDES) permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations):

(i) Section 405 of the Clean Water Act, as amended;

(ii) the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to subtitle D of the SWDA, as amended), as amended;

(iii) the Clean Air Act, as amended;

(iv) the Toxic Substances Control Act, as amended; and

(v) the Marine Protection, Research and Sanctuaries Act, as amended.

(55) INTERRUPTIBLE SERVICE means the supply of untreated water provided by contract specifically stating that the supply may be totally discontinued for indefinite periods of time due to the need to conserve or have the untreated water available for municipal use.

(56) MAYOR means the mayor of the city.

(57) MGD means million gallons per day.

(58) MGL (MILLIGRAMS PER LITER) (mg/L) is a weight per volume concentration; the milligram-per-liter value multiplied by the factor 8.34 is equivalent to pounds of constituent per million

(A) lies totally within a tract of land to be platted, replatted, developed, or redeveloped; or

(B) lies directly adjacent to or fronting on the tract of land to be platted, replatted, developed, or redeveloped and is intended to serve or is capable of serving only that tract.

(69) OVERSIZE COST means the difference between the evaluated cost of a water or wastewater main as built and the evaluated cost of the size of main determined to be the minimum size required to serve the subdivision. The minimum size used to determine oversize cost must never be less than the standard size water and wastewater mains as defined in this section.

(70) OVERSIZE MAIN means a main that exceeds the minimum size of main necessary to serve a particular subdivision, as determined by the director, in order to allow the main to serve other property, as well as the subdivision.

(71) OWNER means the legal fee title holder of record of property.

~~(72) PASS THROUGH means the discharge of pollutants through the city's wastewater system, treatment processes, or operations, or through a publicly owned treatment works of a governmental entity treating wastewater under a contract with the city, into navigable waters in quantities or concentrations that, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the federal or state effluent discharge permit of the city or of a publicly owned treatment works of a governmental entity treating wastewater under a contract with the city, including an increase in the magnitude or duration of a violation.~~

(72) PASS THROUGH means a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's National Pollutant Discharge Elimination System (NPDES) permit (including an increase in the magnitude or duration of a violation).

(73) PAYMENT DEVICE means any check, item, paper or electronic payment, or other payment device used as a medium for payment.

(74) PERMITTEE means a person granted a permit under this chapter.

(75) PERSON means an individual, private or public corporation, partnership, association, limited liability company, governmental entity, firm, industry, or other entity.

(76) pH means the logarithm (base 10) of the reciprocal of the hydrogen ion concentration of a solution.

(77) POLLUTANT means any of the following:

- (A) Dredged spoil.
- (B) Solid waste.
- (C) Incinerator residue.
- (D) Filter backwash.
- (E) Sewage and sewage sludge.
- (F) Garbage.
- (G) Munitions.
- (H) Medical wastes.
- (I) Chemical wastes.
- (J) Biological or radioactive materials.
- (K) Heat.
- (L) Wrecked or discarded equipment.
- (M) Rock, sand, or cellar dirt.
- (N) Municipal, agricultural, and industrial wastes.
- (O) Certain characteristics of wastewater (e.g., pH, temperature, total suspended solids, turbidity, color, BOD, COD, toxicity, or odor).

(78) PREMISES or PROPERTY means real property and includes improvements.

(79) PRETREATMENT means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the wastewater system. Pretreatment does not include the dilution of pollutant concentration unless allowed by applicable pretreatment standards.

(80) PRETREATMENT REQUIREMENTS means any substantive or procedural requirement related to pretreatment imposed on an industrial user, other than a pretreatment standard.

(81) PRETREATMENT STANDARDS means pollutant concentration discharge limitation requirements established in this chapter and national pretreatment standards, including but not limited to prohibitive discharge limits established pursuant to Title 40, Code of Federal Regulations, Part 403.5, as amended.

(82) PROCESS WASTEWATER means any water that, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product.

(83) PROGRAMMED EXTENSION means the water or wastewater main extensions included in or consistent with the master plan of the system, for which funds have been currently budgeted and made available through a properly authorized capital expenditure program.

(84) PROPERLY SHREDDED GARBAGE means garbage that has been shredded to such an extent that all particles will be carried freely under the flow conditions normally prevailing in wastewater mains, with no particle having greater than a one-half inch cross-sectional dimension.

~~(85) PUBLICLY-OWNED TREATMENT WORKS (POTW) means that term as defined in Title 40, Code of Federal Regulations, Part 403.3(o), as amended.~~

(85) PUBLICLY-OWNED TREATMENT WORKS (POTW) means that term as defined in Title 40, Code of Federal Regulations, Part 403.3(q), as amended.

(86) RESIDENTIAL SERVICE means service to premises that are single-family or duplex dwelling units, or other premises containing dwelling units, each of which units is individually metered.

(87) SATISFACTORY CREDIT HISTORY WITH THE DEPARTMENT means that service has not been cut off within the past 12 months for nonpayment of charges.

(88) SERVICE means all water and water-related service provided for the use and benefit of persons inside and outside the city through the operations and facilities of the department, including but not limited to:

- (A) supply of untreated water;
- (B) supply of treated water;
- (C) wastewater collection, treatment, and disposal;
- (D) building and extension of service mains;
- (E) providing of meters and service connections to property;
- (F) discontinuance, restoration, or repair of service;
- (G) issuance and use of permits;
- (H) extension or replacement of service mains for which lot or acreage fees or other assessments are charged;

(I) collections of rates or fees for service;
and
(J) other department activities for the benefit of the general public authorized under this chapter.

(89) SERVICE LINE means the pipe or conduit that extends from the water or wastewater main and that connects with the meter or the building lateral to provide a water or wastewater service connection.

~~(90) SIGNIFICANT INDUSTRIAL USER means an industrial user that is subject to categorical pretreatment standards under Title 40, Code of Federal Regulations, Part 403.6, as amended, and Title 40, Code of Federal Regulations, Chapter I, Subchapter N, as amended, and:~~

~~(A) discharges an average of 25,000 gallons per day or more of process wastewater to the wastewater system, excluding sanitary, noncontact cooling, and boiler blowdown wastewater;~~

~~(B) contributes a process wastestream that makes up five percent or more of the average dry weather hydraulic or organic capacity of the treatment plant of the wastewater system; or~~

~~(C) is designated as a significant industrial user by the control authority on the basis that the industrial user has a reasonable potential for adversely affecting the wastewater system's operation or for violating any pretreatment standard or requirement in accordance with Title 40, Code of Federal Regulations, Part 403.8(f)(6), amended.~~

(90) SIGNIFICANT INDUSTRIAL USER means:

(A) an industrial user that is subject to categorical pretreatment standards under Title 40, Code of Federal Regulations, Part 403.6, as amended, and Title 40, Code of Federal Regulations, Chapter I, Subchapter N, as amended, and

(B) any other industrial user that:

(i) discharges an average of 25,000 gallons per day or more of process wastewater to the POTW, excluding sanitary, noncontact cooling, and

boiler blowdown wastewater;

(ii) contributes a process wastestream that makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

(iii) is designated as a significant industrial user by the control authority on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement in accordance with Title 40, Code of Federal Regulations, Part 403.8(f)(6), amended.

(C) An industrial user is not a significant industrial user if the control authority determines, either on its own initiative or in response to a petition received from an industrial user of POTW, that the industrial user is not a significant industrial user in accordance with Title 40, Code of Federal Regulations, Part 403.8(f)(6) as amended, upon a finding that an industrial user meeting the criteria in Subparagraphs (A) or (B) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standards or requirements.

(91) SIGNIFICANT NONCOM-PLIANCE means any of the following:

(A) Chronic violations of wastewater discharge limits, defined as those in which 66 percent or more of all of the measurements taken for the same pollutant parameter during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits, as defined in Title 40, Code of Federal Regulations, Part 403.3(1), as amended.

(B) Technical review criteria (TRC) violations, defined as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined in Title 40, Code of Federal Regulations, Part 403.3(1), as amended, multiplied by the applicable TRC (TRC=1.4 for BOD, total suspended solids, fats, oil, and grease, and 1.2 for all other pollutants except pH).

(103) WASTEWATER MAIN means a conduit or pipe of the wastewater system that conveys domestic wastewater or industrial wastes, or a combination of both, and into which storm surface water, ground water, or unpolluted wastes are not intentionally admitted. The term includes access structures, valves, and other appurtenances that are incidental to use of the wastewater main.

(104) WASTEWATER SYSTEM means:

(A) all treatment plants, mains, conveyances, pumps, interceptors, lift stations, connections, meters, sludge storage facilities, appurtenances, and other facilities of the city employed in the collection, treatment, and disposal of wastewater; or

(B) the publicly-owned treatment works of the city or of a governmental entity receiving or treating wastewater of the city under a contract with the city.

(105) WATER MAIN means a conduit or pipe of the water system that conveys water. The term includes fire hydrants, access structures, valves, and other appurtenances that are incidental to use of the water main.

(106) WATER SYSTEM means all treatment plants, mains, pumps, meters, connections, supply reservoirs, storage tanks, appurtenances, and other facilities of the city employed in the purification, transportation, and supply of treated and untreated water.

(107) WATER YEAR means the period that begins on June 1 of a year and ends on May 31 of the following year.

(108) WHOLESALE SERVICE means:

(A) the furnishing of untreated water to a customer, except for untreated water furnished only for domestic use;

(B) the furnishing of treated water to a governmental entity for resale to customers of that entity; or

(C) the collection and discharge of wastewater from the collection facilities of a governmental entity into the wastewater system for purposes of treatment. (Ord. Nos. 19201; 19526; 19622; 20653; 21409; 25047; 25214; 25256; 26925; 26961; 27697; 28084; 28622; 31480; 32002)

SEC. 49-2. CHAPTER ENFORCEMENT.

(a) Authority. The director is authorized to enforce the provisions of this chapter.

(b) Civil jurisdiction.

(1) As an alternative to imposing the applicable criminal penalty prescribed in Section 49-2(d), the city may, as authorized by Section 54.044 of the Texas Local Government Code, impose administrative penalties, fees, and court costs in accordance with Article IV-b of Chapter 27 of this code for an offense under Section 49-21.1 of this chapter. The alternative administrative penalty range for an offense is the same as is prescribed for an offense in Section 49-2(d). The provisions of Article IV-b of Chapter 27 of this code pertaining to financial inability to comply with an administrative order do not apply to violations of this chapter.

(2) This chapter may be enforced by civil court action as provided by state and federal law.

(c) Offenses. A person who violates Sections 49-3(e), 49-16, 49-19(c), 49-20(f), 49-21.1, 49-23(c), 49-25(c),

(2) a wholesale service contract involving a governmental entity;

(3) a contract by which the city receives water or wastewater service; and

(4) any service contract otherwise required by state law, city charter, or other provisions of this chapter, to be approved by city council.

(b) Consideration. The consideration received by the city for a service contract must be based on the rates prescribed in this chapter. However, the city council may approve a special-rate contract for wholesale water or wastewater service where it determines rates in this chapter to be discriminatory or unreasonable under the circumstances. (Ord. 19201)

SEC. 49-18.1. RATES FOR TREATED WATER SERVICE.

(a) Form of rate. The monthly rate for treated water service to a customer consists of:

(1) a customer charge; and

(2) a usage charge.

(b) Billing cycle. In this section, water used per month is based upon the billing cycle of the department.

(c) Rate tables. The director shall charge customers for treated water service in accordance with the following tables:

(1) Water Service Customer Charges.

<u>METER SIZE</u>	<u>RATE PER METER</u>
5/8-inch meter	\$5.79 \$5.80
3/4-inch meter	\$8.16 \$8.18
1-inch meter	\$11.89 \$12.00
1-1/2-inch meter	\$22.07 \$22.10
2-inch meter	\$35.91 \$36.24
3-inch meter	\$84.98 \$85.81
4-inch meter	\$139.70 \$141.00
6-inch meter	\$277.42 \$280.10
8-inch meter	\$462.20 \$466.70
10-inch meter or larger	\$709.10 \$714.03

(2) Usage Charge—Rate Per 1,000 Gallons.

<u>TYPE OF USAGE</u>		
(A)	Residential:	
(i)	Up to 4,000 gallons	\$2.03 \$2.07
(ii)	4,001 to 10,000 gallons	\$4.44 \$4.53
(iii)	10,001 to 20,000 gallons	\$7.26 \$7.44
(iv)	20,001 to 30,000 gallons	\$10.34 \$10.61
(v)	Above 30,000 gallons	\$12.03 \$12.35
(B)	General service:	
(i)	Up to 10,000 gallons	\$4.83 \$4.97
(ii)	Above 10,000 gallons	\$5.31 \$5.46
(iii)	Above 10,000 gallons and 1.4 times annual average monthly usage	\$8.05 \$8.10

(d) Applicability of rates to meters. The charges for water service in Subsection (c) of this section apply to each meter that exists at a customer’s premises. A customer may request removal of inactive meters to combine services through a single meter. If, within one year, a customer requests removal and restoration of a meter that is used for lawn sprinkling, air conditioning, or other seasonal purposes, the customer shall pay a reconnection charge that is equal to the monthly customer charge in Subsection (c) of this section multiplied by the number of months the service was discontinued.

(e) Rates where no meter exists. If a customer is without a meter, the minimum usage charge per month is based upon the average monthly usage for a customer in the same service class at the rate specified in Subsection (c) of this section. The customer charge is based upon the size of the service line at the property.

(f) Election for certain general water service customers. A general water service customer inside the city who uses at least 1,000,000 gallons of water per month may elect, in writing, to be assessed the special charges under this subsection instead of the regular general service rate, according to the following conditions:

(1) The customer must agree to pay each year:

(A) the monthly customer charge as provided in Subsection (c);

~~(B) \$2,953.56 per month as a usage charge on the first 1,000,000 gallons used in a billing period; and~~

~~(C) \$4.65 per 1,000 gallons used in excess of 1,000,000 gallons per month.~~

(B) \$3,030.63 per month as a usage charge on the first 1,000,000 gallons used in a billing period; and

(C) \$4.77 per 1,000 gallons used in excess of 1,000,000 gallons per month.

(2) The customer must agree that consumption billed during any billing period ending in May, June, July, August, September, and October will not exceed 1.5 times the average monthly consumption

billed in the previous winter months of December through March.

(3) To be eligible for the special rate, a customer’s maximum hourly water usage during a seven-day period must not be greater than seven times the average hourly usage rate for the same seven-day period.

(4) If a customer’s usage of water exceeds the amounts allowed under Subsection (f)(2) or (f)(3), the customer will be notified that the customer will be billed at the regular usage charge stated in Subsection (c) for a minimum of 12 months, and such additional time until the customer can demonstrate to the satisfaction of the director that the requirements of Subsection (f)(2) and (f)(3) can be maintained.

(5) The director may grant a variance to Subsection (f)(4) where special circumstances warrant.

(g) Adjusted rates for hidden water leaks. When a customer experiences a substantial increase in water or wastewater usage from a hidden water leak and the customer meets the requirements of Section 49-9(e), the director will adjust the account and bill the customer.

(1) an estimated amount of normal water usage for the period at the regular rate;

(2) the excess water usage caused by the hidden leak at the following applicable rate:

	<u>TYPE OF USAGE</u>	<u>RATE PER 1,000 GALLONS</u>
(A)	Residential	\$2.03 \$2.07
(B)	General service	\$4.83 \$4.97
(C)	Optional general service	\$4.65 \$4.77
(D)	Municipal service	\$3.19 \$3.26

and

(3) the applicable wastewater rate prescribed in Section 49-18.2(c), based on an adjustment of wastewater volume to estimated normal volume, where adjustment is appropriate.

(h) Billing based on full month. If a customer requests discontinuance of service at an address where uninterrupted service was provided for a period of time so short that the only bill for services rendered would be the final bill, such billing will be computed as though service had been furnished for a full billing month.

~~(i) Rates for municipal purpose water service. Water service to property owned by the city of Dallas that is used solely for municipal purposes may be charged \$3.19 per 1,000 gallons of water used.~~

(i) Rates for municipal purpose water service. Water service to property owned by the city of Dallas that is used solely for municipal purposes may be charged \$3.26 per 1,000 gallons of water used. (Ord. Nos. 19201; 19300; 19682; 20077; 20449; 20737; 21061; 21430; 21824; 22208; 22564; 23289; 23670; 24050; 24744; 25385; 25755; 26135; 26479; 26961; 27355; 27698; 28025; 28426; 28795; 29150; 29479; 29879; 30215 ; 30653; 30993; 31332; 31657; 32003; 32310; 32556; 32863)

SEC. 49-18.2. RATES FOR WASTEWATER SERVICE.

(a) Form of rate. The monthly rate for wastewater service to a customer consists of:

- (1) a customer charge;
- (2) a usage charge; and
- (3) a surcharge for excessive concentration of wastes, if applicable.

(b) Billing cycle. In this section, water used per month is based upon the billing cycle of the department.

(c) Rate tables. The director shall charge a customer for wastewater service in accordance with the following tables:

Wastewater Service Charges.

(1) Monthly customer charges.

<u>METER SIZE</u>	<u>RATE PER METER</u>
5/8-inch meter	\$5.21 \$5.24
3/4-inch meter	\$6.91 \$6.99
1-inch meter	\$10.26 \$10.38
1-1/2-inch meter	\$19.73 \$19.94
2-inch meter	\$32.54 \$33.52
3-inch meter	\$75.85 \$76.85
4-inch meter	\$119.90 \$121.48
6-inch meter	\$238.20 \$240.57
8-inch meter	\$396.77 \$400.70
10-inch meter or larger	\$623.90 \$630.02

~~(2) Monthly residential use charge: \$5.87 per 1,000 gallons of the average water consumption billed in the months of December, January, February, and March or the actual month's water consumption, whichever is less, up to a maximum charge of 40,000 gallons per month.~~

~~(3) Monthly general service usage charge: \$4.96 per 1,000 gallons of water used.~~

~~(4) Monthly usage charge for Section 49-18.1(f) customer: \$4.56 per 1,000 gallons of water used.~~

~~(5) Monthly general service usage charge for wastewater separately metered: \$4.61 per 1,000 gallons of wastewater discharged.~~

(2) Monthly residential use charge: \$5.88 per 1,000 gallons of the average water consumption billed in the months of December, January, February, and March or the actual month's water consumption, whichever is less, up to a maximum charge of 40,000 gallons per month.

(3) Monthly general service usage charge: \$5.12 per 1,000 gallons of water used.

(4) Monthly usage charge for Section 49-18.1(f) customer: \$4.71 per 1,000 gallons of water used.

(5) Monthly general service usage charge for wastewater separately metered: \$4.76 per 1,000 gallons of wastewater discharged.

(6) Monthly surcharge for excessive concentrations of waste: an amount calculated in accordance with Sections 49-18.12, 49-48, and 49-49 of this chapter.

(7) Monthly surcharges for excessive concentrations of waste for wastewater separately metered: An amount calculated in accordance with Sections 49-18.12, 49-48, and 49-49 of this chapter.

(d) Where residential water service is not used. If a residential customer does not receive water service solely from the city, the director shall estimate water used per month to determine the usage charge in Subsection (c).

(e) Where general water service is not used. If a general service customer does not receive water service solely from the city, the customer must install and maintain, at the customer's expense, adequate meters that measure total water usage from other sources and that meet American Water Works Association standards. The customer must pay an additional customer charge of \$10.00 per month for each meter, regardless of size, installed under this subsection. When a meter is inaccurate, the director may estimate water usage.

~~(f) Rates for municipal purpose wastewater service. Wastewater service to property owned by the city of Dallas that is used solely for municipal purposes may be charged \$3.22 per 1,000 gallons of water used.~~

(f) Rates for municipal purpose wastewater service. Wastewater service to property owned by the city of Dallas that is used solely for municipal purposes may be charged \$3.34 per 1,000 gallons of water used. (Ord. Nos. 19201; 19300; 19682; 20077; 20737; 21061; 21430; 21824; 22208; 22564; 23289; 23670; 24050; 25385; 25755; 26135; 26479; 26961; 27355; 27698; 28025; 28426; 28795; 29150; 29479; 29879; 30215; 30653; 30993; 31332; 31657; 32003; 32310; 32556; 32863)

SEC. 49-18.3. GENERAL SERVICE: SEPARATE BILLING.

(a) Conditions of separate billing. A general service customer inside the city may receive separate bills for water service and wastewater service if he installs and maintains, at his expense, meters or other liquid measuring devices that are accurate and approved by the director to measure:

- (1) total wastewater discharged directly into the wastewater system from the premises; or

(2) water losses from activities involving evaporation, irrigation or water consumed in products, as illustrated by, but not limited to, cooling towers, boilers, lawn watering systems, or food products.

(b) Customer charge. A customer who chooses to be billed under this section must pay an additional customer charge of \$60.00 per month for each meter installed pursuant to this section, regardless of the size of the meter.

(c) Where meter is inaccurate. When a meter installed pursuant to this subsection is inaccurate, the director may estimate usage or discharge. If a customer fails to repair or replace an inaccurate meter, the director shall bill the customer for the usage charge in Section 49-18.2(c)(3) or (4), whichever is applicable. (Ord. Nos. 19201; 21430; 25385; 26961; 28795; 32003)

SEC. 49-18.4. RATES FOR WHOLESALE WATER AND WASTEWATER SERVICE TO GOVERNMENTAL ENTITIES.

(a) Form of rate. The director may provide wholesale water service to governmental entities. The service will be furnished in accordance with a written contract at the rates prescribed in this section and under such other terms and conditions as the city council deems reasonable. The rate for wholesale water service to a governmental entity will consist of:

- (1) a volume charge and a demand charge;
- or
- (2) a flat rate charge.

(b) Rate table. The director shall charge a governmental entity for wholesale water service in accordance with the following:

~~(1) The volume charge for treated water is \$0.5150 per 1,000 gallons of water used, and the annual water year demand charge is \$328,362 per each mgd, as established by the highest rate of flow controller setting.~~

(1) The volume charge for treated water is \$0.5663 per 1,000 gallons of water used, and the annual water year demand charge is \$356,978 per each mgd, as established by the highest rate of flow controller setting.

~~(2) If a flat rate charge for treated water is provided by contract, or in the absence of a rate flow controller, the charge is \$2.8349 per 1,000 gallons of treated water used.~~

(2) If a flat rate charge for treated water is provided by contract, or in the absence of a rate flow controller, the charge is \$2.7987 per 1,000 gallons of treated water used.

(3) A monthly readiness-to-serve charge will be assessed for any standby service point. The monthly fee, based on size of connection, is as follows:

<u>Size of Connection</u>	<u>Monthly Standby Fee</u>
3-inch	\$84.98 \$85.81
4-inch	\$139.70 \$141.00
6-inch	\$277.42 \$280.10
8-inch	\$462.20 \$466.70
10-inch or larger	\$709.10 \$714.03

~~(4) The rate for regular untreated water service to a governmental entity is \$1.1409 per 1,000 gallons of untreated water used. The rate for interruptible untreated water service to a governmental entity is \$0.4322 per 1,000 gallons of untreated water used.~~

(4) The rate for regular untreated water service to a governmental entity is \$1.2231 per 1,000 gallons of untreated water used. The rate for interruptible untreated water service to a governmental entity is \$0.4580 per 1,000 gallons of untreated water used.

(c) Revisions. Unless otherwise provided in this chapter, if the written contract for wholesale service between the city and a governmental entity provides for revision of rates, the charges under the written contract must comply with the charges provided in this section.

(d) Emergency exchanges. The director may, in the interest of the city and its customers, make connection agreements with other governmental entities for emergency exchange of water.

(e) Wholesale wastewater rates. The director may provide wholesale wastewater service to other governmental entities by contract, in accordance with

the following rules:

~~(1) The monthly rate for wholesale wastewater service is \$3.1003 per 1,000 gallons of wastewater discharged. The director is authorized to compensate those governmental entities located within the boundaries of the city for the city's use of integrated facilities owned by those governmental entities.~~

~~(2) An infiltration and inflow adjustment factor of 12.0 percent will be added to the average water consumption for the months of December, January, February, and March to determine billable volume for a governmental entity with unmetered wholesale wastewater service.~~

(1) The monthly rate for wholesale wastewater service is \$3.2598 per 1,000 gallons of wastewater discharged. The director is authorized to compensate those governmental entities located within the boundaries of the city for the city's use of integrated facilities owned by those governmental entities.

(2) An infiltration and inflow adjustment factor of 18.3 percent will be added to the average water consumption for the months of December, January, February, and March to determine billable volume for a governmental entity with unmetered wholesale wastewater service.

(3) If the BOD or suspended solids concentration of waste discharged exceeds 250 mg/L, the governmental entity must pay a surcharge calculated in accordance with Section 49-18.12(1)(A) or (B), whichever applies.

~~(f) Treatment of water owned by another governmental entity. The director may provide treatment services at the Elm Fork water treatment plant to water owned by another governmental entity in accordance with a written contract. The volume charge for treating water owned by another governmental entity is \$0.4243 per 1,000 gallons of water treated, and the annual water year demand charge is \$49,747.09 per each mgd, as established by the maximum demand capacity set forth in the contract.~~

(f) Treatment of water owned by another governmental entity. The director may provide treatment services at the Elm Fork water treatment

plant to water owned by another governmental entity in accordance with a written contract. The volume charge for treating water owned by another governmental entity is \$0.5685 per 1,000 gallons of water treated, and the annual water year demand charge is \$50,598.52 per each mgd, as established by the maximum demand capacity set forth in the contract. (Ord. Nos. 19201; 19300; 19682; 20077; 20449; 20636; 20737; 21061; 21430; 21824; 22208; 22564; 22907; 23289; 23670; 24050; 24414; 24744; 25049; 25385; 25755; 26135; 26479; 26961; 27355; 27698; 28025; 28426; 28795; 29150; 29479; 29879; 30215; 30653; 30993; 31332; 31657; 32003; 32310; 32556; 32863)

SEC. 49-18.5. RATE FOR UNTREATED WATER.

— (a) ~~Regular rate.~~ The charge for untreated water is ~~\$1.1409~~ per 1,000 gallons of water used.

— (b) ~~Interruptible rate.~~ The charge for interruptible service is ~~\$0.4322~~ per 1,000 gallons of water used.

(a) Regular rate. The charge for untreated water is \$1.2231 per 1,000 gallons of water used.

(b) Interruptible rate. The charge for interruptible service is \$0.4580 per 1,000 gallons of water used.

~~— (c) Reservoir supply permits. The director may issue permits, without the necessity of council approval, to owners of property abutting water supply lakes or streams for the domestic use of untreated water. A charge for water used will be made as provided in Subsection (a) or (b). The term of such permits may not exceed three years, but the permits are renewable at the option of the city. An application for a permit or permit renewable under this subsection must be accompanied by a non-refundable processing fee of \$210.~~

~~— (d) Commercial contracts for untreated water.~~

~~— (1) Short-term contracts. The director may authorize short-term contracts, without the necessity of council approval, with owners of property abutting water supply lakes or streams for the commercial use of untreated water. A charge for water used will be made as provided in Subsection (a) or (b). The term of such contracts may not exceed three years, but the contracts are renewable at the option of the city. An application for a short-term contract or contract renewable must be accompanied by a nonrefundable processing fee of \$225.~~

~~— (2) Long-term contracts. The director may authorize long-term contracts, with council approval, with owners of property abutting water supply lakes or streams for the commercial use of untreated water. A charge for water used will be made as provided in Subsection (a) or (b). The term of such contracts may exceed three years, and are renewable at the option of the city. An application for a long-term contract or contract renewal must be accompanied by a nonrefundable processing fee of \$385.~~

(c) Reservoir supply permits. The director may issue permits, without the necessity of council approval, to owners of property abutting water supply lakes or streams for the domestic use of untreated water. A charge for water used will be made as provided in Subsection (a) or (b). The term of such permits may not exceed three years, but the permits are renewable at the option of the city. An application for a permit or permit renewable under this subsection must be accompanied by a non-refundable processing fee of \$336.

(d) Commercial contracts for untreated water.

(1) Short-term contracts. The director may

authorize short-term contracts, without the necessity of council approval, with owners of property abutting water supply lakes or streams for the commercial use of untreated water. A charge for water used will be made as provided in Subsection (a) or (b). The term of such contracts may not exceed three years, but the contracts are renewable at the option of the city. An application for a short-term contract or contract renewable must be accompanied by a nonrefundable processing fee of \$564.

(2) Long-term contracts. The director may authorize long-term contracts, with council approval, with owners of property abutting water supply lakes or streams for the commercial use of untreated water. A charge for water used will be made as provided in Subsection (a) or (b). The term of such contracts may exceed three years, and are renewable at the option of the city. An application for a long-term contract or contract renewal must be accompanied by a nonrefundable processing fee of \$584.

(e) Treatment plant effluent. Wastewater treatment plant effluent may be purchased for one-half of the regular rate for untreated water. No distribution facilities will be provided by the city. (Ord. Nos. 19201; 19682; 20077; 20449; 20737; 21061; 21430; 21824; 22208; 22564; 22907; 23289; 23670; 24050; 24414; 24744; 25049; 25385; 25755; 26135; 26479; 26961; 27355; 27698; 28025; 28426; 28795; 29150; 29479; 29879; 30215; 30653; 30993; 30994; 31332; 31657; 32003; 32310; 32556; 32863)

SEC. 49-18.6. FEES FOR INSPECTION AND TESTING OF METERS AND BACKFLOW PREVENTION DEVICES.

(a) Meter inspection fees. No charge will be made for the first meter change or meter test requested by a customer at a single service connection within any 12-month period. For each additional meter change or meter test requested by a customer within a 12 month period that does not result in a finding that the meter over-registered in excess of 1-1/2 percent, the director shall charge the customer a fee according to the following schedule:

Meter-Size	Fee
5/8 to 1-inch	\$50.00

1-1/2 to 2-inch	\$35.00 \$50.00
Larger than 2-inch	Actual cost of change and test

~~— (b) Meter replacement fees. A customer with an existing one-inch service and a 5/8-inch or 3/4-inch meter, who requests that the meter be increased to one inch, shall pay a fee of \$185. Any other customer requesting an increase in meter size up to but not greater than the size of the existing service shall pay a connection charge for the requested size meter in accordance with Section 49-18.7(a) and (b).~~

~~— (c) Inspection fee for meter verification. An inspection under Section 49-9(d) is free if the director verifies a gross discrepancy or a customer requests not more than one inspection during any six-month period, otherwise the charge is \$15 for an inspection.~~

(b) Meter replacement fees. A customer with an existing one-inch service and a 5/8-inch or 3/4-inch meter, who requests that the meter be increased to one inch, shall pay a fee of \$243. Any other customer requesting an increase in meter size up to but not greater than the size of the existing service shall pay a connection charge for the requested size meter in accordance with Section 49-18.7(a) and (b).

(c) Inspection fee for meter verification. An inspection under Section 49-9(d) is free if the director verifies a gross discrepancy or a customer requests not more than one inspection during any six-month period, otherwise the charge is \$50 for an inspection.

(d) Backflow prevention device inspection fees. The owner or person in control of premises on which a backflow prevention device is located must pay a fee to the city for the periodic inspection and testing as follows:

- (1) For any backflow prevention device ~~\$50.00~~ \$110.00 each
- (2) For each additional backflow prevention device inspected at the same site, same time ~~\$45.00~~ \$110.00 each

(e) Exception. This section does not apply to a governmental entity that receives wholesale water or wastewater service. (Ord. Nos. 19201; 19300; 23289; 25049; 25385; 26135; 26479; 27355; 32863)

SEC. 49-18.7. SERVICE CONNECTION CHARGES.

(a) Water service installation and connection charge. The director shall charge for the installation of all water service connection at the following rates:

(1) Water Service Installation Charges.

<u>Connection Size</u>	<u>Fee</u>
3/4-inch	\$6,190.00
1-inch	\$6,360.00
1 1/2-inch	\$7,590.00
2-inch	\$8,380.00

(2) Connecting Existing Water Service.

<u>Connection Size</u>	<u>Fee</u>
3/4-inch	\$1,200.00
1-inch	\$1,380.00
1 1/2-inch	\$2,860.00
2-inch	\$3,870.00
Up to 2-inch bullhead	\$3,400.00

(b) Wastewater service installation and connection fees. Except as provided in Subsection (d), the city shall charge the following rates for the installation or connection of residential wastewater service lines:

- (1) First wastewater service line installation and connection charge \$6,890.00
- (2) For connecting existing wastewater service lines constructed by other persons \$475.00

(c) Installation of large or commercial connections. In cases where the service connection involved is a water service connection larger than two inches or a wastewater service connection to a commercial, industrial or other non-residential service establishment, the following rules apply:

(1) If the director does not require the applicant to construct and install the service connection pursuant to Section 49-24(c)(4), the applicant shall pay the city an amount equal to the department’s cost of constructing and installing the service connection. This amount is due prior to commencement of construction by the city.

(2) If the director requires the applicant to construct and install the service connection pursuant to Section 49-24(c)(4), the applicant shall pay a connection inspection fee of \$275 and shall bear all costs of construction and installation and the cost of any materials or appurtenances supplied by the department for construction or installation purposes. The connection inspection fee and amounts payable to the city for the cost of materials and appurtenances must be paid at the time of permit issuance.

(3) Unpaid charges due and owed to the city and other unpaid costs of construction incurred by the applicant under this subsection must be paid before the department will activate water or wastewater service to the property connected.

(d) Special residential wastewater connections. The connection charge procedures described in Subsections (e) and (f) of this section will apply to a residential wastewater service application when:

- (1) wastewater service to the premises requires a deep cut connection;

(2) the service will be connected to a wastewater main located in a specific purpose easement obtained by the city; or

(3) a customer requests an additional wastewater service line or relocation of an existing wastewater service line.

(e) Fees for special residential wastewater connections. The director will furnish an estimate of cost to an applicant for a special residential wastewater service connection as described in Subsection (d) of this section. The applicant must deposit the estimated amount before the director will issue a permit for the connection. The final cost will be adjusted upon completion of the work, but in no event will the final cost be less than the flat charge stated in Subsection (b). Should the final cost of the work exceed the amount deposited, the director will furnish the party or parties making the deposit a statement showing the amount of the excess. The statement will constitute notice that the excess amount is due. The director may refuse or discontinue service to the property until full payment has been made for the work performed. Upon completion of the work, if final cost is less than the amount of estimate or deposit, a refund of the amount of overpayment will be immediately made to the party or parties from whom the deposit was received.

(f) Alternatives to Subsection (e). As an alternative to the procedure of Subsection (e), an applicant for a special residential wastewater service connection may request, and the director may furnish, a price at which the city will install a connection at the premises where service is desired, without regard to the actual cost of the installation. The price will never be less than the flat charge stated in Subsection (b). If the applicant agrees to pay this price, then he shall make full payment of this price to the director before work is begun on the installation and no further adjustments will be made.

(g) What constitutes cost in Subsections (e) and (f). The flat rate charge and the estimate of cost of any special residential wastewater service connection shall include all costs incidental to making the installation of

the service connection required, including the necessary repairs to pavement of any kind or character involved in making the service connection. The department shall make the necessary pavement repairs.

(h) Standard affordable housing refund. Whenever affordable housing units are provided as a part of a project in accordance with Division 51A-4.900 of the Dallas Development Code, as amended, the director shall authorize a refund of a percentage of the total service connection fees paid by the permittee for the project equal to the percentage of standard affordable housing units provided in the project. (Ord. Nos. 19201; 19300; 20215; 21663; 23289; 25049; 25385; 25755; 26479; 27698; 28795; 29150; 29879; 30215; 30993; 31657; 32003; 32556)

SEC. 49-18.8. SECURITY DEPOSIT AMOUNTS.

The amount of a security deposit is governed by the following:

(1) Standard deposit for residential service accounts.

5/8-inch and 3/4-inch meter	\$80.00 \$100.00
1-inch meter	\$100.00 \$125.00
1 1/2-inch meter	\$120.00 \$150.00
2-inch meter and larger	\$160.00 \$200.00

(2) Standard deposit for other than residential service accounts. An amount is required sufficient to cover two times the average bill in the past 12 months for the location served. In the case of a new account, the deposit is two times the average estimated bill.

~~(3) A residential service customer who has service discontinued twice within a 12-month period for nonpayment of charges shall make an additional deposit equal to one-sixth of his total standard bill for the prior 12 months or \$80, whichever is greater. This increase in deposit is in addition to other charges required for reinstatement of service. If information to determine the total standard bill for the prior 12 months is unavailable or inapplicable, the director may determine the amount of the required deposit based on~~

bills to similar property for those months for which the information is unavailable or inapplicable.

(3) A residential service customer who has service discontinued twice within a 12-month period for nonpayment of charges shall make an additional deposit equal to one-sixth of his total standard bill for the prior 12 months or \$100, whichever is greater. This increase in deposit is in addition to other charges required for reinstatement of service. If information to determine the total standard bill for the prior 12 months is unavailable or inapplicable, the director may determine the amount of the required deposit based on bills to similar property for those months for which the information is unavailable or inapplicable.

(4) The director may require a higher security deposit, not to exceed three times the average bill at the location served or to be served, for any class of service, when the director determines that there is a substantial risk of financial loss to the department. (Ord. Nos. 19201; 25385; 32863)

SEC. 49-18.9. CHARGES FOR USE OF FIRE HYDRANTS.

A person requesting the use of water from a fire hydrant pursuant to Section 49-27 shall pay the following application charges:

~~———— (1) a deposit of \$2,150 to be refunded when the service is discontinued and the meter is returned to the city by the person or the person's authorized representative, less any unpaid fees for services and any costs to repair damage in excess of normal wear;~~

~~———— (2) a monthly fire hydrant service charge of \$84.98; and~~

(1) a deposit of \$2,300 to be refunded when the service is discontinued and the meter is returned to the city by the person or the person's authorized representative, less any unpaid fees for services and any costs to repair damage in excess of normal wear;

(2) a monthly fire hydrant service charge of \$85.81; and

(3) a usage charge for water that will be billed at the general service rate prescribed in Section 49-18.1(c)(2)(B). (Ord. Nos. 19201; 19300; 21430; 25385; 26135; 26961; 27698; 28025; 28426; 28795; 29150; 29479; 29879; 30215; 30653; 31657; 32003; 32310; 32556; 32863)

SEC. 49-18.10. SPECIAL ASSESSMENT RATES; LOT AND ACREAGE FEES.

(a) Special assessment rate. When a person owning benefited property is charged in accordance with Section 49-56(b), the following front foot rates will be applied:

(1) \$6.00 per front foot of the lot or tract of land to which water service connections are made available, where the lot or tract benefits by the enhanced value due to an extension; and

(2) \$6.00 per front foot of the lot or tract of land to which wastewater service connections are made available, where the lot or tract benefits by the enhanced value due to an extension.

(b) Adjustment. The city council may adjust the rates established in Subsection (a) as prescribed in Section 49-56(d).

(c) Lot or acreage fee for individual owners. Individual owners required to pay a lot or acreage fee pursuant to Section 49-56(h) will be charged as follows:

(1) \$0.018 per square foot of lot that is part of a subdivided tract utilizing an existing water main;

(2) \$785.00 per acre of any unsubdivided tract utilizing an existing water main;

(3) \$0.018 per square foot of lot that is part of a subdivided tract utilizing an existing wastewater main;

(4) \$785.00 per acre of any unsubdivided tract utilizing an existing wastewater main.

(d) Acreage fee for developers. Developers required to pay an acreage fee in accordance with Section 49-62 will be charged as follows:

(1) \$785.00 per acre of land for an existing water main; and

(2) \$785.00 per acre of land for an existing wastewater main. (Ord. Nos. 19201; 19300; 20653; 22564)

SEC. 49-18.11. EVALUATED COST TABLES FOR OVERSIZE, SIDE, OR OFF-SITE FACILITIES.

The director will use the following evaluated cost tables to calculate city payments and to calculate fees due under Section 49-62. City payments will be calculated by the director by using either the unit prices in the construction contract submitted by the developer, or the unit prices in the evaluated cost tables, whichever is less.

WATER MAINS AND APPURTENANCES

ITEM	UNITS		
4-inch pipe	linear foot	\$55.00	\$150.00
6-inch pipe	linear foot	60.00	\$160.00
8-inch pipe	linear foot	65.00	\$180.00
12-inch pipe	linear foot	75.00	\$206.00
16-inch pipe	linear foot	120.00	\$330.00
20-inch pipe	linear foot	130.00	\$354.00
24-inch pipe	linear foot	140.00	\$404.00
30-inch pipe	linear foot	150.00	\$440.00
36-inch pipe	linear foot	165.00	\$476.00
39-inch pipe	linear foot	170.00	

42-inch pipe	linear foot	175.00	\$512.00
45-inch pipe	linear foot	190.00	
48-inch pipe	linear foot	200.00	\$548.00
4-inch valve	each	700.00	\$2,240.00
6-inch valve	each	900.00	\$2,880.00
8-inch valve	each	1,200.00	\$3,845.00
12-inch valve	each	2,200.00	\$7,050.00
16-inch valve	each	4,100.00	\$21,000.00
20-inch valve	each	7,350.00	\$34,376.00
24-inch valve	each	9,700.00	\$47,752.00
30-inch valve	each	16,000.00	\$67,816.00
36-inch valve	each	21,000.00	\$87,880.00
42-inch valve	each	43,000.00	\$107,994.00
48-inch valve	each	64,000.00	\$128,008.00
Fire hydrant	each	3,000.00	\$8,550.00
3/4-inch copper deadhead	each	820.00	\$2,490.00
1-inch copper deadhead	each	910.00	\$2,460.00
1 1/2-inch copper deadhead	each	1,830.00	\$4,030.00
2-inch copper deadhead	each	1,830.00	\$5,370.00
3/4-inch water service, meter box and transfer for others	each	1,110.00	\$3,315.00
1-inch water service, meter box and transfer for others	each	1,170.00	\$3,490.00
1 1/2-inch water service, meter box and transfer for others	each	1,560.00	\$4,720.00
2-inch water service, meter box and transfer for others	each	2,130.00	\$5,510.00
Cut and plug water main for others	each	735.00	\$2,865.00
Remove fire hydrant for others	each	540.00	\$1,360.00
Reconnect existing service for others	each	700.00	\$590.00
Disposal of heavily chlorinated water	contract	1,500.00	\$4,100.00
3/4-inch air relief	each	1,485.00	\$4,000.00
1-inch air relief	each	3,450.00	\$9,490.00
2-inch air relief	each	4,350.00	\$11,960.00
Bore for 6-inch water	linear foot	145.00	\$780.00
Bore for 8-inch water	linear foot	165.00	\$805.00
Bore for 12-inch water	linear foot	180.00	\$830.00
Bore for 16-inch water	linear foot	195.00	\$855.00
Bore for 20-inch water	linear foot	230.00	\$880.00
Bore for 24-inch water	linear foot	245.00	\$905.00
Bore for 36-inch water	linear foot	265.00	\$930.00
Bore for 39-inch water	linear foot	270.00	
Bore for 42-inch water	linear foot	275.00	\$980.00
Bore for 45-inch water	linear foot	280.00	\$1,005.00
Bore for 48-inch water	linear foot	285.00	\$1,030.00

SANITARY SEWER MAINS AND APPURTENANCES

ITEM	UNITS	
6-inch pipe	linear foot	\$55.00 \$95.00
8-inch pipe	linear foot	65.00 \$155.00
10-inch pipe	linear foot	70.00 \$190.00
12-inch pipe	linear foot	75.00 \$230.00
15-inch pipe	linear foot	85.00 \$290.00
18-inch pipe	linear foot	100.00 \$350.00
21-inch pipe	linear foot	110.00 \$410.00
24-inch pipe	linear foot	120.00 \$470.00
27-inch pipe	linear foot	130.00 \$530.00
30-inch pipe	linear foot	140.00 \$590.00
33-inch pipe	linear foot	160.00 \$650.00
36-inch pipe	linear foot	190.00 \$710.00
39-inch pipe	linear foot	200.00 \$770.00
42-inch pipe	linear foot	210.00 \$830.00
48-inch pipe	linear foot	230.00 \$890.00
Lateral	each	900.00 \$2,905.00
Lateral for others	each	1,200.00 \$2,800.00
Reconnect existing lateral for others	each	700.00 \$1,925.00
Cleanout	each	460.00 \$2,100.00
Wastewater access device	each	2,200.00 \$6,050.00
4-foot diameter manhole	each	5,800.00 \$15,525.00
5-foot diameter manhole	each	6,000.00 \$23,155.00
6-foot diameter manhole	each	6,400.00 \$27,500.00
Type "S" manhole	each	7,000.00 \$30,500.00
Bore for 6-inch sewer	linear foot	135.00 \$560.00
Bore for 8-inch sewer	linear foot	160.00 \$585.00
Bore for 10-inch sewer	linear foot	220.00 \$610.00
Bore for 12-inch sewer	linear foot	240.00 \$635.00
Bore for 15-inch sewer	linear foot	260.00 \$660.00
Bore for 18-inch sewer	linear foot	270.00 \$685.00
Bore for 21-inch sewer	linear foot	275.00 \$710.00
Bore for 24-inch sewer	linear foot	290.00 \$735.00
Bore for 27-inch sewer	linear foot	295.00 \$760.00
Bore for 30-inch sewer	linear foot	300.00 \$785.00
Bore for 33-inch sewer	linear foot	305.00 \$810.00
Bore for 36-inch sewer	linear foot	310.00 \$835.00
Bore for 39-inch sewer	linear foot	315.00 \$860.00
Bore for 42-inch sewer	linear foot	320.00 \$885.00
Bore for 48-inch sewer	linear foot	325.00 \$910.00
Abandon existing manhole for others	each	700.00 \$1,500.00

MISCELLANEOUS ITEMS

ITEM	UNITS	
Crushed rock for paving repairs	cubic yard	\$40.00 \$80.00
Asphalt paving	square yard	150.00 \$215.00
Concrete paving	cubic yard	\$375.00
Driveway	cubic yard	\$215.00
Sidewalk	square yard	50.00 \$90.00
Curb and gutter	linear foot	40.00 \$60.00
Stabilized backfill	cubic yard	90.00 \$140.00
Concrete backfill	cubic yard	170.00 \$220.00
Rip rap	square yard	40.00 \$60.00
Rock foundation	cubic yard	60.00 \$75.00
Excavation: in excess of 10 feet in depth below approved street grade:		
in dirt	cubic yard	15.00 \$25.00
in rock	cubic yard	30.00 \$45.00

NOTE:

A payment for an extra depth manhole shall be calculated by adding 10 percent of the manhole unit price for each foot in excess of 10 feet below approved street grade to the unit price. (Ord. Nos. 19201; 19526; 20077; 20449; 20737; 21430; 21824; 22208; 24414; 27355; 31332; 31657; 32003; 32863)

SEC. 49-18.12. INDUSTRIAL SURCHARGE RATE FORMULA FOR EXCESSIVE CONCENTRATIONS.

Surcharge rate formula. The person responsible for industrial waste discharge in excessive concentrations of BOD and suspended solids shall pay an industrial surcharge in addition to regular water and wastewater rates, either under Section 49-49 or in accordance with the following cost factors and formula:

(1) The user's cost factors for excessive industrial waste are based on the capital and operating cost of wastewater facilities to provide treatment for the reduction of BOD and suspended solids. The formula is:

(A) Surcharge for excessive concentrations:

Payment rate per 1,000 gallons:

$$\frac{\$2.37020(BOD-250)}{1,000} + \frac{\$1.43910(SS-250)}{1,000}$$

(B) Surcharge for excessive concentrations for wastewater metered separately:

Payment rate per 1,000 gallons:

$$\frac{\$2.63090(BOD-250)}{1,000} + \frac{\$1.56070(SS-250)}{1,000}$$

BOD = Average concentrations of BOD in mg/l, determined from sampling the waste as described in Section 49-52

SS = Average concentrations of suspended solids in mg/l, as determined from sampling the waste as described in Section 49-52

(2) The rate for each user may be calculated once every 12 months. (Ord. Nos. 19201; 19300; 19682; 21061; 21430; 22564; 25755; 26135; 26479; 26961; 27355; 27698; 28795; 29150; 29479; 32003)

SEC. 49-18.13. CHARGES FOR TRANSPORTERS OF SEPTIC TANK WASTE.

Transporter rates and requirements. A person who transports or disposes of septic tank or portable

sanitation waste at the city's wastewater treatment facility must:

(1) obtain and maintain a liquid waste transport permit from the city for each vehicle in accordance with Chapter 19, Article X of this code;

(2) deposit \$500 with the director for each vehicle, the deposit to be refunded when the vehicle is no longer used to dispose of waste at the city's wastewater treatment facility and all fees have been paid;

(3) pay a disposal fee of \$0.045 per gallon for each load of septic tank waste, with the fee calculated as if the permitted vehicle carrying the load was at full capacity; and

(4) dispose of waste at the wastewater treatment facility specified by the director. (Ord. Nos. 19201; 19300; 22026; 22927; 26925; 27698)

SEC. 49-18.14. RATES FOR DEVELOPMENT REVIEW ACTIVITIES.

~~Design review fees. The rates for reviewing engineering plans for the construction of water and wastewater facilities for the purpose of development or redevelopment are as follows:~~

~~(1) \$1,050 for design review of engineering plans requiring more than 100 feet of construction of water and wastewater mains, excluding the footage of building service connections.~~

~~(2) \$300 for design review of engineering plans requiring 100 feet or less of construction of water and wastewater mains, excluding the footage of building service connections.~~

~~(3) \$300 for each additional design review of engineering plans for:~~

~~(A) every design review submission in excess of three engineering design reviews, which submission was not required as a result of a review error by the city; and~~

~~(B) each design revision submitted after construction has commenced, which submission was not required as a result of a review error by the city.~~

Design review fees. Refer to Section 303.13.3.6.2 in Chapter 52 of the Dallas City Code. (Ord. Nos. 19201; 20215; 22208; 23289; 27355; 32676)

SEC. 49-18.15. PAYMENT TABLE.

(a) Off-site rates. The developer will be paid not more than the total evaluated cost of off-site mains which he constructs or for which he advances money under Section 49-62(c), in accordance with the following tables:

- (1) Programmed off-site extensions.

By private development contract:

\$240.00 /	new residential connection
\$112.50 /	new apartment connection
\$ 7.50 /	each new fixture unit installed for commercial uses, with the reimbursement rate per connection not to be less than \$240.00

- (2) Nonprogrammed off-site extensions.

By private development contract:

\$160.00 /	new residential connection
\$ 75.00 /	new apartment connection
\$ 5.00 /	each new fixture unit installed for commercial uses, with the reimbursement rate per connection not to be less than \$160.00

(b) Additional rules. For purposes of this section, a fixture unit is defined in Section 107(d) and Chapter 10 of the Dallas Plumbing Code. A payment under Subsection (a) of this section will be made strictly in accordance with the rules of Section 49-62. (Ord. Nos. 19201; 19526; 20653)

SEC. 49-18.16. MISCELLANEOUS CHARGES AND PROVISIONS; RATES WHERE NO CHARGE SPECIFIED.

~~(a) Service application fees. Upon application for service under Section 49-3, a fee of \$15 will be assessed to establish or transfer a residential or general service account, except that a fee of \$30 will be assessed to establish or transfer an account for a general service customer described in Section 49-18.1(f) of this chapter.~~

~~(b) Discontinuance and restoration charges. For any discontinuance of service under this chapter, except for a discontinuance under Section 49-22 or Subsection (d) of this section, a charge of \$25 will be assessed for each service call. An additional \$35 charge will be assessed if the customer pays delinquent charges and requests same day restoration of service. If a meter has to be unpadlocked, set, or unplugged to restore discontinued service, a charge of \$25 will be assessed in addition to all other charges.~~

(a) Service application fees. Upon application for service under Section 49-3, a fee of \$15 will be assessed to establish or transfer a residential or general service account, except that a fee of \$56 will be assessed to establish or transfer an account for a general service customer described in Section 49-18.1(f) of this chapter.

(b) Discontinuance and restoration charges. For any discontinuance of service under this chapter, except for a discontinuance under Section 49-22 or Subsection (d) of this section, a charge of \$25 will be assessed for each service call. An additional \$45 charge will be assessed if the customer pays delinquent charges and requests same day restoration of service, or a \$35 charge for next day restoration of service. If a meter has to be unpadlocked, set, or unplugged to restore discontinued service, a charge of \$65 will be assessed for request of same day restoration of service, or \$55 for next day restoration of service, in addition to all other charges.

(c) Returned payment device charge. A charge in an amount allowable under Section 3.506 of the Texas Business and Commerce Code, as amended, will be assessed when a customer pays a service bill with a payment device, and the payment device is dishonored and returned to the city.

(d) Temporary discontinuance charge. The

service charge for discontinuing service temporarily at the request of the customer or an agent of the customer is \$25, except that the director may waive this charge where the necessity for turning water off is created by an emergency.

~~— (e) Multiple tenant notification for possible service discontinuance. When it is necessary to notify tenants of possible service discontinuance due to the delinquent payments of a customer having a master meter serving four or more units, the customer will be assessed a charge of \$2.50 per unit for posting the cutoff alerts.~~

(e) Multiple tenant notification for possible service discontinuance. When it is necessary to notify tenants of possible service discontinuance due to the delinquent payments of a customer having a master meter serving four or more units, the customer will be assessed a charge of \$2.75 per unit for posting the cutoff alerts.

(f) Service connection permit processing fee. If for any reason, within the term of a service connection permit, an applicant for a service connection under Section 49-24 fails to make the connection or does not require the connection, a \$25 processing fee will be retained from any service connection charges paid, with any remainder being refunded to the applicant or property owner.

(g) Fire flow test. A charge of \$150 will be assessed for each fire flow test performed on existing city water lines at the request of a customer or other person to determine water availability for fire protection systems.

(h) Where no charge specified. When charges for a service are not specified in this chapter, the director shall establish charges which are based on the cost of performing the services, including, but not limited to, such services as the moving of meter locations, repair to damaged facilities, field location of mains, fire hydrant relocation, installation of traffic lids on meter boxes, replacement of a meter with a meter larger than one inch, water and wastewater main abandonments, installation and removal of temporary service, abandonment of manholes, and provision of printed materials.

(i) Where money credited. All sums of money collected as a charge or fee authorized under this chapter, at the rates specified in this chapter, shall be credited to the appropriate water and wastewater fund of the city. (Ord. Nos. 19201; 19300; 20737; 21824; 23289; 25049; 25385; 26961; 27355; 28426; 32863)

SEC. 49-18.17. HYDROSTATIC TESTING OF WATER MAINS.

No charge will be made for the hydrostatic testing or retesting of a water main, except that a fee of \$300.00 will be charged if an expedited test or retest is requested. An expedited test or retest requires the

department to perform the hydrostatic testing or retesting on the water main within three days after receipt of the request. (Ord. 26479)

ARTICLE III.

WATER AND WASTEWATER GENERALLY.

SEC. 49-19. CONTROL OF AND ACCESS TO SYSTEMS; INTERFERENCE WITH ACCESS GENERALLY.

(a) Systems as city property. All parts of the water and wastewater systems, including but not limited to those parts defined in Section 49-1, are the property of the city. The director shall maintain and control each system and keep detailed records concerning all aspects of department operations.

(b) Who has access. Only a person who is authorized by the director pursuant to Section 49-23 will have access to the water and wastewater systems for operation, construction, maintenance, repair and other service-related purposes.

(c) Obstruction of authorized persons. A person commits an offense if he knowingly obstructs a person authorized in accordance with Section 49-23 from:

(1) gaining access to a part of the water or wastewater system for purposes of operation, inspection, construction, maintenance or repair; or

(2) performing actual operation, inspection, construction, maintenance or repair of a part of the water or wastewater system. (Ord. 19201)

SEC. 49-20. EMERGENCY AUTHORITY.

(a) Purpose and scope. The purpose of this section is to establish the city's policy in the event of

least two inches in diameter larger than the supply line from the water system.

(5) A storage facility must be provided with a drain pipe and valve for easy discharge purposes. The drain pipe must not be connected to the wastewater system.

(h) Nonconforming systems. Any person modifying, changing or adding to his premises or his existing fire protection system must at that time come into compliance with the requirements of this section, if his fire protection system did not previously conform to the requirements of this section. (Ord. Nos. 19201; 19622; 20215)

SEC. 49-27. FIRE HYDRANTS.

~~—(a) Permission to use. Fire hydrants are used in extinguishing fires and are to be opened only by authorized employees of the department and the city's fire department, department of public works, and department of sanitation services. Any other person who wishes to use a fire hydrant must seek written permission from the director under the following conditions:~~

(a) Permission to use. Fire hydrants are used in extinguishing fires and are to be opened only by authorized employees of the department and the city's fire department, department of transportation and public works, and department of sanitation services. Any other person who wishes to use a fire hydrant must seek written permission from the director under the following conditions:

(1) A person requesting use of a fire hydrant must make written application for a permit and must pay charges in accordance with Section 49-18.9.

(2) The permittee must:

(A) use a water meter furnished by the department;

(B) connect the meter directly to the fire hydrant and include in the connection an approved reduced pressure zone backflow prevention device provided by the department;

(C) make the meter readily available for

reading by the department each month it is used; and

(D) return the meter immediately after finishing use of the hydrant or upon request of the director.

(3) If water is to be hauled from the hydrant, the permittee must display a decal issued by the department on each vehicle used in hauling water from the hydrant.

(4) A permittee authorized to open a fire hydrant must only use an approved spanner wrench and must replace the caps on the outlets when not in use.

(b) Improper use. Failure to abide by the conditions of Subsection (a) is sufficient cause to prohibit further use of the fire hydrant and to refuse to grant subsequent permits for use of a fire hydrant. A person commits an offense if he knowingly:

(1) uses water from a fire hydrant without a permit from the director;

(2) violates Subsection (a)(2), (a)(3), or (a)(4) of this section or any of the terms and conditions of a permit granted under this section.

(c) Exceptions. This section does not apply to:

(1) a city employee engaged in work in an official capacity; or

(2) a person using water from a fire hydrant without charge for department construction work under Section 49-35. (Ord. Nos. 19201; 22026; 23694; 26479; 30239; 30654; 32864)

SEC. 49-28. WATER STORAGE TANKS AND PUMPING EQUIPMENT.

(a) Tanks supplied by water system. A water storage tank supplied solely by the water system must be satisfactorily built and covered to prevent the entrance of contamination. Every storage tank supplied solely by the water system must have an

(C) fully indemnify the city against all damages of any character that may arise out of the construction, operation or maintenance of facilities used to connect to the water or wastewater system.

(2) The applicant shall provide for the laying of all facilities and appurtenances necessary to reach a connection point designated by the director, and the facilities must be built in strict accordance with the requirements and specifications of the department.

(3) The meter at the designated connection point must be located inside, or as near as practicable to, the city limits. The meter must be operated and maintained by the city.

(4) The director may revoke permission to serve at any time if he determines that the terms and provisions of this chapter, or any additional conditions of service, are being violated.

(5) The director may promulgate reasonable rules, not in conflict with this chapter or other laws, as additional conditions of providing retail service outside of the city and in aid of administration of this subsection.

(d) Applicability of chapter. Except in the case of a reciprocal service agreement, a retail customer outside the city will be subject to the same applicable provisions of this chapter as is a customer inside the city, which provisions must be made a part of any agreement entered into for the service. (Ord. 19201)

ARTICLE IV.

WATER QUALITY.

SEC. 49-41. PURPOSE AND POLICY.

(a) In general. This article sets forth uniform requirements for users of the wastewater system, to

enable the city of Dallas to comply with all applicable state and federal laws, including the Federal Water Pollution Control Act, as amended by the Clean Water Act, as amended (33 USC §§1251 et seq.), and the general pretreatment regulations (Title 40, Code of Federal Regulations, Part 403). The objectives of this article are:

~~(1) to prevent the introduction of pollutants into the wastewater system that will interfere with its operation;~~

(1) to prevent the introduction of pollutants into the wastewater system that will interfere with its operation, including interference with its use or disposal of municipal sludge;

(2) to prevent the introduction of pollutants into the wastewater system that will pass, inadequately treated, through the wastewater system and into receiving waters, or that will otherwise be incompatible with the wastewater system;

(3) to protect the health and safety of both the wastewater system’s personnel and the general public;

(4) to promote the reuse and recycling of industrial wastewater and sludge within the wastewater system;

(5) to provide for wastewater contracts between the city and other municipalities or extra-jurisdictional users who discharge to the wastewater system; and

(6) to enable the city to comply with its Texas Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the wastewater system is subject.

(b) Incorporation of EPA or TCEQ standards. All categorical pretreatment standards, sewage pretreatment rules, lists of toxic pollutants, industrial categories, and other applicable regulations promulgated by the EPA or TCEQ, including all future amendments of those standards, rules, and regulations, are incorporated into this article. (Ord. Nos. 28084; 31480)

SEC. 49-42. ENFORCEMENT.

(a) Authority to enforce. The director and the city environmental health officer shall have the power to enforce the provisions of this article, including the right to make inspections and take enforcement action against violators. For purposes of this article, state law, and federal law, the wastewater system is a publicly-owned treatment works.

(b) Enforcement response plan.

(1) For the purpose of promoting consistency of enforcement throughout the city's jurisdiction and service area, the director shall promulgate and enforce an enforcement response plan.

(2) The plan must contain detailed procedures indicating how the city will investigate and respond to instances of industrial user noncompliance. The plan, at a minimum, must:

(A) describe how the city will investigate instances of noncompliance;

(B) describe the types of escalating enforcement responses the city will take in response to all anticipated types of industrial user violations and the time periods within which responses will take place;

(C) identify, by title, the official or officials responsible for each type of response; and

(D) adequately reflect the city's primary responsibility to enforce all applicable pretreatment requirements and standards, as detailed in Title 40, Code of Federal Regulations, Sections 403.8 (f)(1) and (f)(2), as amended, and Sections 49-43 and 49-50 of this article.

(c) Administrative search warrants. The municipal court shall have the power to issue to the director or city environmental health officer administrative search warrants, or other process allowed by law, where necessary to aid in enforcing this article.

(d) Penalties. A person who violates any provision of this article or any term or condition of an industrial waste discharge permit granted pursuant to this article is guilty of a separate offense for each day or portion of a day during which the violation is continued. Each offense is punishable by a fine of not less than \$1,000 or more than \$2,000.

(e) Criminal responsibility. A person is criminally responsible for a violation of this article if the person knowingly, recklessly, intentionally, or with criminal negligence:

(1) commits or assists in the commission of a violation, or causes or permits another person to commit a violation; or

(2) owns or manages the property or facilities determined to be the cause of the illegal discharge under Section 49-43, 49-44, 49-46, 49-55.6, or 49-55.7.

(f) Civil actions. This article or the terms and conditions of a discharge permit granted pursuant to this article may be enforced by civil court action as provided by state or federal law. (Ord. Nos. 19201; 19682; 21409; 26925; 28084)

SEC. 49-43. CERTAIN WASTES PROHIBITED IN THE WASTEWATER SYSTEM.

~~(a) General prohibitions. A person shall not discharge into the wastewater system, or cause or permit to be discharged into the wastewater system, any pollutant that causes a pass through or interference.~~

(a) General prohibitions. A person shall not discharge into the wastewater system, or cause or permit to be discharged into the wastewater system, any pollutant that causes a pass through or interference. These general prohibitions apply to all users of the POTW, whether or not they are subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements.

(b) Specific prohibitions. A person shall not discharge, or cause or permit to be discharged, any of the following pollutants into the wastewater system:

run-off, subsurface drainage, a downspout, a yard drain, a yard fountain or pond, or lawn spray.

(2) Wastewater or industrial waste generated or produced outside the city, unless approval in writing from the director has been given to the person discharging the waste.

(3) A liquid or vapor having a temperature higher than 150 degrees Fahrenheit (65 degrees Centigrade).

(4) Gasoline, kerosene, naphtha, fuel oil, vapors, or any other pollutant that creates a fire or explosion hazard in the wastewater system, including but not limited to industrial waste with a closed cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Centigrade).

(5) A pollutant that will cause corrosive structural damage to the wastewater system, unless the portion of the wastewater system directly or indirectly receiving the discharge is specifically designed to accommodate the corrosive discharge.

~~(6) Used motor oil.~~
 (6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.

(7) A solid or viscous pollutant in amounts that will cause obstruction to the flow in the wastewater system, resulting in interference.

(8) Heat in quantities that will cause the temperature to exceed 104 degrees Fahrenheit (40 degrees Celsius) at any point in the wastewater system or will otherwise inhibit biological activity in the wastewater system, unless the director expressly approves alternate temperature limits in the discharger's industrial waste discharge permit.

(9) Solid or liquid substances in quantities capable of causing obstruction to the flow in wastewater mains or other interference with the proper operation of the wastewater system as illustrated by, but not limited to, ashes, cinders, sand, mud, straw,

shavings, metal, glass, rags, feathers, tar, plastics, wood, whole blood, paunch manure, hair and fleshings, entrails, lime slurry, lime residues, slops, chemical residues, and paint residues or bulk solids, except when such items as lime slurry or lime residues are used in the treatment of combined storm and wastewater during storm runoff.

(10) A pollutant capable of forming a toxic gas, vapor, or fume in a quantity that may cause, either by itself or by interaction with other waste, hazard to life or acute employee health or safety problems.

(11) Garbage that is not properly shredded as defined in Section 49-1(81).

(12) Except where the director has determined that different limits under an industrial waste discharge permit are appropriate, wastewater exceeding 200 mg/L of oils, fats, and grease (measured as total oil and grease).

(13) A substance having a pH value lower than 5.5 or higher than 10.5.

~~(14) Radioactive materials in a manner that will permit a transient concentration higher than 100 microcuries per liter.~~

~~(15) Unusual taste or odor producing substances, unless pretreated to a concentration acceptable to the director so that the material does not:~~

~~(A) cause damage to collection facilities;~~

~~(B) impair the city's treatment processes;~~

~~(C) incur treatment costs exceeding those of normal wastewater;~~

~~(D) render the water unfit for stream disposal or industrial use; or~~

- ~~(E) create a public nuisance.~~
- ~~(16) A discharge of water, normal domestic wastewater, or industrial waste that in quantity of flow exceeds, for a duration of longer than 15 minutes, more than four times the average 24-hour flow during normal operation.~~
- ~~(17) Without the approval of the director, a substance or pollutant other than industrial waste, normal domestic wastewater, septic tank waste, or chemical toilet waste that is of a toxic or hazardous nature, regardless of whether or not it is amenable to treatment, including but not limited to bulk or packaged chemical products.~~
- ~~(18) Except at discharge points authorized by this chapter, or by regulations promulgated by the director that are not in conflict with this chapter or other laws, wastewater or a pollutant that is trucked or hauled.~~
- ~~(19) Any other pollutant, substance, or material not amenable to treatment, or of a concentration or quantity sufficient to harm the wastewater system, as determined by the director.~~
- (14) Unusual taste or odor producing substances, unless pretreated to a concentration acceptable to the director so that the material does not:
 - (A) cause damage to collection facilities;
 - (B) impair the city's treatment processes;
 - (C) incur treatment costs exceeding those of normal wastewater;
 - (D) render the water unfit for stream disposal or industrial use; or

- (E) create a public nuisance.
- (15) Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate or pollutant concentration which will cause interference with the POTW.
- (16) Without the approval of the director, a substance or pollutant other than industrial waste, normal domestic wastewater, septic tank waste, or chemical toilet waste that is of a toxic or hazardous nature, regardless of whether or not it is amenable to treatment, including but not limited to bulk or packaged chemical products.
- (17) Except at discharge points authorized by this chapter, or by regulations promulgated by the director that are not in conflict with this chapter or other laws, wastewater or a pollutant that is trucked or hauled.
- (18) Any other pollutant, substance, or material not amenable to treatment, or of a concentration or quantity sufficient to harm the wastewater system, as determined by the director.
- ~~(c) Local limits. The following local pollutant limits are established to protect against pass through and interference. The limits apply at the point where the wastewater is discharged to the wastewater system. The director may impose mass limitations in addition to, or in place of, the concentration-based limitations. All concentrations for metallic substances are for total metal unless indicated otherwise. No person may discharge wastewater containing pollutants in the form of compounds or elements with total concentrations exceeding the following uniform concentration and contributory flow limits:~~
 - (c) Local limits. The following effluent limits, including best management practices, general pretreatment standards in Title 40, Code of Federal Regulations, Part 403, categorical pretreatment standards, and state and local law, are established to protect against pass through and interference. The limits apply at the point where the wastewater is discharged to the wastewater system. The director may impose mass limitations in addition to, or in place of, the concentration-based limitations. All concentrations for metallic substances are for total metal unless indicated otherwise. No person may discharge wastewater containing pollutants in the form

of compounds or elements with total concentrations exceeding the following uniform concentration and contributory flow limits:

(1) Uniform concentration limits for all wastewater except for wastewater discharged to the Trinity River Authority Central Regional Wastewater Treatment Plant.

<u>Pollutant</u>	<u>Central Wastewater Treatment Plant</u> <u>Maximum Allowable Discharge Limit, mg/L</u>	<u>Southside Wastewater Treatment Plant</u> <u>Maximum Allowable Discharge Limit, mg/L</u>
Arsenic	0.07	0.50
Cadmium	0.34	1.00
Chromium	3.62	5.00
Copper	4.00	4.00
Cyanide	0.71	1.60
Lead	1.60	1.60
Mercury	0.0006	0.01
Nickel	N/A See Paragraph (2) of this subsection	5.58
Selenium	0.20	0.20
Silver	0.36	3.04
Sulfide	10.00	10.00
Zinc	3.06	5.00

(2) Contributory flow limits at the Central Wastewater Treatment Plant.

(A) For contributing industrial users, the contributory flow pollutant limitation for nickel is 3.14 mg/L.

(B) For non-contributing industrial users, the contributory flow pollutant limitation for nickel is 0.0028 mg/L.

(C) For purposes of this paragraph, a contributing industrial user is an industrial user found by the city to discharge nickel above the industrial contributory screening limits at the Central Wastewater Treatment Plant.

(3) Uniform concentration limits for wastewater discharged to the Trinity River Authority Central Regional Wastewater Treatment Plant.

<u>Pollutant</u>	<u>TRA Central Wastewater Treatment Plant</u> <u>Maximum Allowable Discharge Limit, mg/L</u>
Arsenic	0.20
Cadmium	0.10
Chromium	2.90
Copper	2.30
Cyanide	0.50
Lead	0.90
Mercury	0.0004
Molybdenum	0.80
Nickel	4.60
Selenium	0.10
Silver	0.80
TTO	2.13
Sulfide	NA
Zinc	8.00
Oil and grease	200.00
pH	5.5 to 11.0 Standard Units

In this paragraph, TOTAL TOXIC ORGANICS (TTO) means the sum of the masses or concentration of the toxic organic compounds listed in 40 CFR Part 122, Appendix D, Table II, excluding pesticides, found in the discharges of industrial users at a concentration greater than 0.01 mg/L.

~~(3) Contributory flow limits at the Central Wastewater Treatment Plant.~~

~~(A) For contributing industrial users, the contributory flow pollutant limitation for nickel is 3.14 mg/L.~~

~~(B) For non-contributing industrial users, the contributory flow pollutant limitation for nickel is 0.0028 mg/L.~~

~~(C) For purposes of this paragraph, a contributing industrial user is an industrial user found by the city to discharge nickel above the industrial contributory screening limits at the Central Wastewater Treatment Plant.~~

the EPA, or the TCEQ. The director shall take the appropriate action to notify the affected industrial user of an occurrence under this paragraph.

(j) Variances in compliance dates. The director may grant a variance in compliance dates to an industrial user when, in the director’s opinion, such action is necessary to achieve pretreatment or corrective measures. In no case may the director grant a variance in compliance dates to an industrial user affected by national categorical pretreatment standards beyond the compliance dates established by the EPA.

(k) Authority to regulate. The director may establish regulations, not in conflict with this chapter or other laws, to control the disposal and discharge of industrial waste into the wastewater system and to ensure compliance of the city’s pretreatment enforcement program with all applicable pretreatment regulations promulgated by the EPA. The regulations established must, where applicable, be made a part of any discharge permit issued to an industrial user by the director under Section 49-46. (Ord. Nos. 19201; 19622; 20215; 21409; 21862; 25214; 25256; 26925; 28084; 31480)

SEC. 49-44. WASTE DISPOSAL THROUGH VEHICLES, GREASE TRAPS/INTERCEPTORS, OR OTHER MEANS.

(a) Illegal waste disposal. A person commits an offense if:

(1) from a vehicle, portable tank, or other container used for transporting water, normal domestic wastewater, or industrial waste, the person discharges or causes the discharge of water, normal domestic wastewater, or industrial waste into the wastewater system or a private sewer facility directly or indirectly connected to the wastewater system;

(2) by any means, the person discharges or causes the discharge of water, normal domestic wastewater, or industrial waste into a part of the wastewater system generally used for maintenance or

monitoring, including but not limited to manholes, cleanouts, or sampling chambers; or

(3) by means of a mechanical device or extraneous water, the person forces normal domestic wastewater or industrial waste collected in a grease trap/interceptor, sand trap/interceptor, or other waste collection device into the wastewater system or a private sewer facility directly or indirectly connected to the wastewater system.

(b) Defense. It is a defense to prosecution under Subsection (a) if the discharge of water, normal domestic wastewater, or industrial waste into the wastewater system, or into a private sewer facility directly or indirectly connected to the wastewater system, is from a motor vehicle:

(1) that is specially designed and adapted to treat water, normal domestic wastewater, or industrial waste to concentrations meeting the requirements of this article prior to discharge into the wastewater system; and

(2) the operator of which has written permission from the director to operate the vehicle within the city. (Ord. Nos. 19201; 26925; 28084)

SEC. 49-45. RIGHT OF ENTRY OF FEDERAL, STATE, AND CITY EMPLOYEES.

The following officials, bearing proper credentials and identification, shall be permitted to gain access to properties as may be necessary for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this article:

(1) Authorized representatives of the EPA and TCEQ.

(2) The director, the city environmental health officer, and other duly authorized employees of the city. (Ord. Nos. 19201; 26925; 28084)

SEC. 49-46. PERMITS REQUIRED FOR DISCHARGE OF INDUSTRIAL WASTE; APPLICATIONS; EXEMPTIONS.

~~— (a) Permit required. A significant industrial user commits an offense if he discharges, or allows the discharge of, industrial waste into the wastewater system without obtaining and maintaining a valid significant industrial user permit from the director.~~

(a) Permit required. A significant industrial user commits an offense if he discharges, or allows the discharge of, industrial waste into the wastewater system without obtaining and maintaining a valid significant industrial user permit from the director, except that a significant industrial user that has filed a timely application pursuant to Subsection (e) may continue to discharge for the time period specified in that application.

(b) Application procedures.

(1) Application for a permit required under Subsection (a) must be made to the director upon a form provided for the purpose.

(2) The application must contain:

(A) a description of the activities, structures, equipment, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility that are, or could be, discharged into the wastewater system;

(B) the site plans, floor plans, and mechanical and plumbing plans of the facility with sufficient detail to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;

(C) the number and type of employees and proposed or actual hours of operation of the facility;

(D) a list of each product produced by type, the amount of the product produced, the process or processes used to produce the product, and the rate of production;

(E) the type and amount of raw materials processed (average and maximum per day);

(F) the time and duration of discharges;

(G) a certification statement complying with the requirements of Section 49-51(m) and signed by a designated authorized representative of the applicant;

~~— (H) self-monitoring, sampling, reporting, notification, and record-keeping requirements, including an identification of the pollutants to be monitored, sampling location and frequency, and sample type, based on the applicable general pretreatment standards, categorical pretreatment standards, local limits, and the regulations of state law and this chapter;~~

(H) self-monitoring, sampling, reporting, notification, and record-keeping requirements, including an identification of the pollutants to be monitored, sampling location and frequency, and sample type, based on the applicable general pretreatment standards in Title 40, Code of Federal Regulations, Chapter 403, as amended, categorical pretreatment standards, local limits, and the regulations of state law and this chapter;

(I) best management practices if required by the pretreatment standards; and

(J) any other information deemed necessary by the director to evaluate the wastewater discharge permit application.

(3) The director may establish further regulations and procedures not in conflict with this chapter or other laws regarding the granting and enforcement of permits, including but not limited to administrative orders issued for the purpose of bringing a violator back into compliance with a permit.

~~— (c) Terms and conditions of permit, in general. The director shall prescribe such terms and conditions of the permit as are required and authorized by the EPA and TCEQ, as necessary to ensure full compliance with this article and all national pretreatment standards and regulations. In addition, the permit must incorporate all applicable national pretreatment standards and all other pretreatment regulations promulgated by the EPA and TCEQ applicable to significant industrial users. A person commits an offense if the person violates or allows a violation of any term or condition of a permit issued under this~~

section. ~~The director may enforce the terms and conditions of the permit as authorized under this chapter.~~

(c) Terms and conditions of permit, in general.

The director shall prescribe such terms and conditions of the permit as are required and authorized by the EPA and TCEQ, as necessary to ensure full compliance with this article and all national pretreatment standards and regulations. In addition, the permit must incorporate all applicable national pretreatment standards and all other pretreatment regulations promulgated by the EPA and TCEQ applicable to significant industrial users. These terms and conditions include but are not limited to:

(1) effluent limits, including best management practices, based on applicable general pretreatment standards in Section 49-48(b), categorical pretreatment standards, local limits, and state and local law;

(2) self-monitoring, sampling, reporting, notification, and recordkeeping requirements, including an identification of the pollutants to be monitored (including the process for seeking a waiver for a pollutant neither present nor expected to be present in the discharge in accordance with Title 40, Code of Federal Regulations, Section 403.12(e)(2), as amended, or a specific waived pollutant in the case of an individual control mechanism), sampling location, sampling frequency, and sample type, based on the applicable general pretreatment standards in Title 40, Code of Federal Regulations, Chapter 403, as amended, categorical pretreatment standards, local limits, and state and local law; and

(3) a statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond applicable federal deadlines; and requirements to control slug discharges, if determined by the POTW to be necessary.

A person commits an offense if the person violates or allows a violation of any term or condition of a permit issued under this section. The director may enforce the terms and conditions of the permit as authorized under this chapter in accordance with Section 49-42(b).

(d) Limitation on permit term. The term of a permit may never be longer than five years.

~~(e) Permit renewal. An industrial user wishing to renew a permit must file a complete application with the director at least 60 days prior to the expiration of the industrial user's existing permit. Failure to submit a complete application with the director at least 60 days prior to expiration of the existing permit may subject the industrial user to enforcement actions.~~

(e) Permit renewal. An industrial user wishing to renew a permit must file a complete application with the director at least 30 days prior to the expiration of the industrial user's existing permit. Failure to submit a complete application with the director at least 30 days prior to expiration of the existing permit may subject the industrial user to enforcement actions.

~~(f) Issuance of permits. The director shall issue a permit under Subsection (a) if:~~

(f) Issuance of permits. Any user required to obtain an individual wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain the permit prior to the beginning or recommencing of any discharge. An application for this individual wastewater discharge permit, in accordance with Subsection (b), must be filed at least 90 days prior to the date upon which any discharge will begin or recommence. The director shall issue a permit under Subsection (a) if:

(1) the director determines that pretreatment facilities are adequate for efficient treatment of discharged waste and comply with the waste concentration level requirement of Section 49-43 or with national pretreatment standards, whichever is applicable;

(2) the applicant has submitted:

(A) an expected compliance date;

(B) an installation schedule of approved pretreatment devices; and

~~(C) a self-monitoring program prepared in accordance with all applicable federal pretreatment regulations promulgated by the EPA; or~~

(C) a self-monitoring, sampling, reporting, notification, and recordkeeping plan, including an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type, based on the applicable general pretreatment standards in Title 40, Code of Federal Regulations, Chapter 403, as amended, categorical pretreatment standards, local limits, and state and local law; or

(3) the applicant is not discharging wastewater in violation of Section 49-43.

(g) Nontransferability. A permit granted under this section is not transferable or assignable.

(h) Changes in authorized representative designation. If the designation of an authorized individual or position has responsibility for the overall operation of the facility or overall responsibility for

environmental matters for the company, a new written authorization satisfying the requirements of this section must be submitted to the director prior to, or together with, any reports to be signed by an authorized representative.

(i) Defense to enforcement actions. It is a defense to prosecution or to civil court action brought under this article for a violation of pretreatment standards that the person held a valid permit issued under this section and the person discharged industrial waste in violation of national categorical pretreatment standards as the result of any of the following:

(1) Any act of God, war, strike, riot, or other catastrophe.

(A) The act of God defense constitutes a statutory affirmative defense contained in Section 7.251 of the Texas Water Code in an action brought in municipal or state court. If a person can establish that an event that would otherwise be a violation of this article, or a permit issued pursuant to this article, was caused solely by an act of God, war, strike, riot, or other catastrophe, the event is not a violation of this article or the permit.

(B) An industrial user who wishes to establish the act of God affirmative defense must:

(i) demonstrate through relevant evidence that the sole cause of the violation was an act of God, war, strike, riot, or other catastrophe; and

(ii) submit the following information to the city within 24 hours of becoming aware of the violation (if this information is provided orally, a written submission must be provided to the director within five days):

(aa) A description of the event, and the nature and cause of the event.

(bb) The time period of the violation, including exact dates and times or, if still continuing, the anticipated time the violation is expected to continue.

(cc) The steps being taken or planned to reduce, eliminate and prevent recurrence of the violation.

pursuant to this article, was caused solely by an act of God, war, strike, riot or other catastrophe.

(2) A bypass authorized by the director in accordance with Title 40, Code of Federal Regulations, Section 403.17(c), as amended.

(3) An upset authorized by the director in accordance with Title 40, Code of Federal Regulations, Section 403.16(c), as amended. (Ord. Nos. 19201; 21409; 21862; 25256; 26925; 28084; 31480)

SEC. 49-47. DENIAL, SUSPENSION, OR REVOCATION OF PERMITS; AMENDING PERMITS.

(a) Grounds for denial, suspension, or revocation. The director may deny a permit required by Section 49-46(a) if the director determines that an applicant is not qualified under Section 49-46(f). The director may suspend or revoke a permit if the director determines that a permittee:

- (1) is not qualified under Section 49-46(f);
- (2) has violated a provision of this article, the permit, or any administrative order;
- (3) has failed to pay a fee required by this chapter;
- (4) has failed to comply with applicable federal pretreatment standards and requirements;
- (5) has failed to comply with the compliance schedule submitted pursuant to Section 49-46(f)(2);
- (6) has failed to comply with procedures for developing, maintaining, or delivering manifest records required to be developed, maintained, or delivered pursuant to this article, Chapter 19, Article X of this code, or state or federal laws or regulations for the transfer, transportation, or disposal of industrial waste; or

(7) has falsified or improperly altered manifest records required to be developed, maintained, or delivered pursuant to this article, Chapter 19, Article X of this code, or state or federal laws or regulations for the transfer, transportation, or disposal of industrial waste.

(b) Reinstatement. After suspension under this section, a permittee may file a request for reinstatement of the permit. The director shall reinstate the permit if the director determines that:

- (1) the permittee is again qualified under Section 49-46(f);
- (2) all violations of this article and applicable federal pretreatment standards and requirements have been corrected;
- (3) precautions have been taken by the permittee to prevent future violations; and
- (4) all fees required by this chapter have been paid.

(c) New permit after revocation. If the director revokes a permit, the permittee may not apply for or be issued a new permit for the same facility earlier than 180 days after the date of revocation of the old permit, except that, if, subsequent to the revocation, the director determines that all of the conditions prescribed in Section 49-46(c) and (f) and Section 49-47(b) are completely satisfied, the permittee may apply for and the director may issue a new permit before the 180-day period expires.

(d) Discharge without permit. A permittee whose permit is suspended or revoked shall not discharge industrial waste into the wastewater system.

(e) Amending a permit. The director may amend a permit with additional requirements to ensure compliance with applicable laws and regulations. (Ord. Nos. 19201; 21409; 26925; 28084)

SEC. 49-48. PRETREATMENT AND DISPOSAL.

(a) Operation and maintenance of pretreatment facilities. When pretreatment of industrial waste is required by the director as a condition for acceptance of the waste into the wastewater system, the owner of the premises from which the waste is discharged must operate and maintain treatment facilities in a manner capable of complying with applicable discharge standards.

~~— (b) Best management practices. The director may require a person discharging to the wastewater system to adopt and implement best management, source reduction, and pollution practices if necessary to protect the wastewater system.~~

(b) Best management practices. The director may develop BMPs and require a person discharging to the wastewater system to adopt and implement such BMPs, source reduction, and pollution prevention practices if necessary to protect the wastewater system.

(c) Septage and chemical toilet waste.

(1) No transported septage or chemical toilet waste may be discharged into the wastewater system except at such locations and at such times as are established by the director.

(2) The director may collect samples of each transported load to ensure compliance with applicable standards. The director may also require the transporter to provide a waste analysis of any load prior to discharge.

(3) Article X of Chapter 19 of this code provides additional regulations for the production, transportation, and disposal of liquid waste.

(d) Disposal of trucked industrial solid waste.

(1) In order to ensure that trucked industrial solid waste is not being discharged into the wastewater system, the director may require an industrial user who generates such waste to report the type and amount of the waste, and the location and manner of its disposal as specified in Section 49-51(i).

(2) An industrial user commits an offense if the user fails to provide the reports requested by the director pursuant to Subsection (d)(1) of this section.

(e) Dilution. No owner, operator, or permittee of premises shall ever increase the use of process water, or in any way attempt to dilute a discharge, unless expressly authorized by an applicable pretreatment standard or requirement. The director may impose mass limitations on industrial users who are using dilution to meet applicable pretreatment standards or requirements.

~~— (f) Upset. For the purposes of this section, upset occurs when there is an unintentional and temporary noncompliance with categorical pretreatment standards due to factors beyond the reasonable control of the industrial user. An example of this is the inability to use the treatment equipment due to power failure. When upset occurs, an industrial user must first control production of all discharges to the extent necessary to limit noncompliance, and regain compliance, with categorical pretreatment standards. Secondly, the industrial user must file a report of the upset pursuant to the requirements of this section.~~

~~— (g) Bypass.~~

~~— (1) Bypasses that do not violate pretreatment standards. An industrial user may allow any bypass to occur that does not cause pretreatment standards or requirements to be violated, but only if it is for essential maintenance to ensure efficient operation. These bypasses are not subject to the provisions of Subsection (g)(2) of this section.~~

(f) Bypass.

(1) Bypasses that do not violate pretreatment standards. An industrial user may allow any bypass to occur that does not cause pretreatment standards or requirements to be violated, but only if it is for essential maintenance to ensure efficient operation. These bypasses are not subject to the provisions of Subsection (f)(2) of this section.

(2) Bypasses that violate pretreatment standards.

~~— (A) If the need for a bypass is known in advance, the industrial user shall provide notice to the director 10 days prior to the bypass. In the event of an unanticipated bypass, oral notice must be provided to the director within 24 hours after the industrial user becomes aware of the bypass. In addition to the oral notice, written notice must be provided to the director~~

~~within five days after the bypass, unless waived by the director. The written notice must contain the following:~~

(A) If the need for a bypass is known in advance, the industrial user shall provide notice to the director 10 days prior to the bypass. In the event of an unanticipated bypass, oral notice must be provided to the director within 24 hours after the industrial user becomes aware of the bypass. In addition to the oral notice, written notice must be provided to the director within five days of the time the industrial user becomes aware of the bypass, unless waived by the director. The written notice must contain the following:

(i) A description of the bypass and its cause.

(ii) The duration of the bypass, including exact dates and times.

(iii) If the bypass has not been corrected, the anticipated time it is expected to continue.

(iv) Steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass.

(B) The director may take an enforcement action against an industrial user for a bypass that violates pretreatment standards, unless all of the following apply:

(i) The bypass was necessary in order to prevent loss of life, personal injury, or severe property damage.

(ii) There was no feasible alternative to the bypass. The director shall find that a feasible alternative existed if, in the exercise of reasonable engineering judgment, adequate back-up equipment should have been installed to prevent the bypass.

(iii) The industrial user submitted notices as required under Paragraph (2)(A) of this subsection.

(C) The director may approve an anticipated bypass, after considering its adverse effects, if the director finds that all three conditions listed in Paragraph (2)(B) of this subsection have been satisfied. (Ord. Nos. 19201; 19622; 20215; 20335; 22927; 26925; 27698; 28084; 31480)

SEC. 49-49. INDUSTRIAL SURCHARGE FOR EXCESSIVE CONCENTRATIONS; SAMPLING FEES.

(a) Excessive BOD/TSS concentrations. A person discharging into the wastewater system industrial waste that exhibits none of the characteristics of wastewater prohibited in Section 49-43(b), but that has a concentration for a duration of 15 minutes that is greater than four times that of normal wastewater as measured by total suspended solids, BOD, or both or a concentration during a 24 hour period average of total suspended solids, BOD, or both in excess of normal wastewater, shall pretreat the industrial waste to meet the concentrations of normal wastewater; except, that the industrial waste may be accepted in the wastewater system for treatment by the city if all the following requirements are met:

(1) The industrial waste will not cause damage to the wastewater system.

(2) The industrial waste will not impair the city's treatment processes.

(3) The BOD or total suspended solids concentration of industrial waste discharged does not cause the average BOD or total suspended solids of wastewater received at the wastewater treatment plant to increase above 250 mg/L.

(4) The person discharging the industrial waste pays an industrial surcharge in addition to the regular water and sewer rates, in accordance with the formula prescribed in Section 49-18.12(a)(1) or in accordance with Section 49-50.

(b) Sampling fees for determining compliance. A person determined to be discharging industrial waste must compensate the city for the cost of sampling and laboratory service expense required for monitoring the discharges for compliance with this

to meet the pretreatment standards, the shortest schedule by which the industrial user will provide the pretreatment or operation and maintenance. No completion date in this schedule may be later than the compliance date established for the applicable pretreatment standard. The compliance schedule must meet the requirements of Subsection (b).

(H) Signature and certification. All baseline monitoring reports must be signed and certified in accordance with Subsection (m).

(b) Compliance schedule progress reports.

(1) The initial report must contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required of the industrial user to meet the applicable pretreatment standards (examples of a major event include, but are not limited to, the hiring of an engineer, the completion of preliminary and final plans, the execution of contracts for major components, and the commencement and completion of construction). No progress increment may exceed nine months.

(2) The industrial user shall submit a report to the director no later than 14 days following each scheduled progress increment date. The report must include, at a minimum, whether or not the industrial user complied with the increment of progress, the reason for delay, if any, and, if appropriate, the steps being taken by the user to return to the established schedule. In no event may more than nine months elapse between submission of a progress report to the director.

(c) Reports on compliance with categorical pretreatment standard deadline.

~~(1) All industrial users with pollutant data results shall submit to the director a report containing the information described in Subsections (a)(2)(E) through (H).~~

(1) All industrial subject to categorical pretreatment standards shall submit to the director a report containing the information described in Subsections (a)(2)(E) through (H).

(2) If an industrial user is subject to equivalent mass or concentration limits established in accordance with the procedures in Title 40, Code of Federal Regulations, Section 403.6(c), as amended, the report must also contain a reasonable measure of the industrial user's long-term production rate.

(3) For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit, the report must include the industrial user's actual production during the appropriate sampling period.

~~(4) All compliance reports must be signed and certified in accordance with Subsection (m) and submitted within 90 days after being permitted by the city.~~

(4) All compliance reports must be signed and certified in accordance with Subsection (m) and submitted within 90 days following the date of final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW.

(d) Periodic compliance reports.

(1) All significant industrial users shall, at a frequency determined by the director but in no event less than twice a year (once in July covering the six-month period between January 1 through June 30, and once in January covering the six-month period between July 1 through December 31), submit a report containing at a minimum:

(A) the nature and concentration of pollutants in the discharge limited by pretreatment standards;

(B) the measured or estimated average and maximum daily flows for the reporting period; and

(C) contributing information necessary to account for water usage, materials recovery, or disposal practices.

(2) All periodic compliance reports must be signed and certified in accordance with Subsection (m).

(3) All wastewater samples must be

facilities must be properly operated, kept clean, and maintained in good working order at all times. Failure of an industrial user to keep its monitoring equipment in good working order negates any grounds for the industrial user's potential claim that sample results are unrepresentative of its discharge.

(4) If an industrial user subject to the reporting requirement in this section monitors any pollutant using the procedures prescribed in Subsections (j) and (k), the results of the monitoring must be included in the report.

(e) Notification of changed conditions.

(1) At least 90 days before any planned significant change to an industrial user's operations or system that might alter the nature, quality, or volume of its wastewater, the industrial user shall notify the director of the change.

(2) The director may require the industrial user to submit all information deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 49-46(a). The director shall evaluate whether the industrial user needs a plan or other action to control accidental discharges.

(3) The director may issue a wastewater discharge permit or modify an existing wastewater discharge permit in response to changed or anticipated changed conditions.

(4) For purposes of this requirement, significant changes include, but are not limited to, flow increases or decreases of 20 percent or greater, the discharge of any previously unreported pollutants, and the deletion of any pollutant regulated by this article or a permit issued pursuant to this article.

(5) Significant industrial users are required to notify the director immediately of any changes at its facility affecting the potential for a slug discharge.

(f) Reports of accidental (Slug) discharges.

(1) In the case of any discharge (including an upset, an accidental discharge, a discharge of a non-routine, episodic nature, a non-routine batch discharge, or a slug load) that may cause potential problems for the wastewater system, the industrial user shall immediately telephone and notify the director of the incident. This notification must include the location of the discharge, the type of waste, the concentration and volume, and corrective actions taken by the industrial user.

(2) Within five days following the discharge, the industrial user shall, unless waived by the director, submit to the director a detailed written report that provides:

(A) a description and cause of the discharge, including location, type, and concentration of the discharge and the volume of water;

(B) the duration of noncompliance, including the exact dates and times of noncompliance and, if the noncompliance is continuing, an immediate response to cause the noncompliant discharge to cease; and

(C) all steps taken or to be taken to reduce, eliminate, and prevent continuation or recurrence of an upset, slug load, or accidental discharge, spill, or other condition of noncompliance.

(3) The notification does not relieve the industrial user of any expense, loss, damage, or other liability that may be incurred as a result of damage to the wastewater system or to natural resources, or any other damage to persons or property, nor does the notification relieve the industrial user of any fines, penalties, or other liability that may be imposed pursuant to this chapter.

(4) A notice must be permanently posted on the industrial user's bulletin board or in another prominent location advising employees whom to call in the event of a discharge. An industrial user shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

(5) The director shall evaluate whether the industrial user needs a plan or other action to control possible future accidental discharges.

(6) The results of the activities described in Paragraphs (1) through (5) of this subsection shall be made available to the approval authority upon request.

(g) Reports from non-permitted users. Industrial users not required to obtain a wastewater discharge permit must still provide appropriate reports to the director when required by the director.

~~(h) Submission of self-monitoring reports and violations based on self-monitoring. The industrial user shall submit all notices and self-monitoring reports necessary to assess and assure compliance with pretreatment standards and requirements, including but not limited to, the reports required in Title 40, Code of Federal Regulations, Section 403.12, as amended. If an industrial user's monitoring and wastewater analysis indicates that a violation has occurred, the industrial user shall do all of the following:~~

~~(1) Notify the director within 24 hours after becoming aware of the violation.~~

~~(2) Repeat the sampling and submit to the director a written report of the results of the second analysis within 30 days after becoming aware of the violation. If the city has performed the sampling and analysis in lieu of the industrial user, the city must perform the repeat sampling and analysis unless it notifies the industrial user of the violation and requires the industrial user to perform the repeat analysis.~~

(h) Submission of self-monitoring reports and violations based on self-monitoring. If sampling performed by an industrial user indicates a violation, the user shall notify the control authority within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the control authority within 30 days after becoming aware of the violation. Where the control authority has performed the sampling and analysis in lieu of the industrial user, the control authority must perform the repeat sampling and analysis unless it notifies the user of the violation and requires the user to perform the repeat analysis. Resampling is not required if:

(1) the control authority performs sampling

at the industrial user at a frequency of at least once per month; or

(2) the control authority performs sampling at the user between the time when the initial sampling was conducted and the time when the user or the control authority receives the results of this sampling.

(i) Notification of the discharge of hazardous waste.

(1) Notification process in general.

(A) Pursuant to Title 40, Code of Federal Regulations, Section 403.12(p), as amended, any industrial user that commences the discharge of a hazardous waste listed in Title 40, Code of Federal Regulations, Part 261, as amended, shall notify the director, the EPA Region VI Waste Management Division Director, and the TCEQ, in writing, of the discharge.

(B) The notification must include the name of the hazardous waste as set forth in Title 40, Code of Federal Regulations, Part 261, as amended, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other).

(C) If the industrial user discharges more than 100 kilograms of hazardous waste in a calendar month to the wastewater system, the notification must also contain the following information to the extent the information is known and readily available to the industrial user:

(i) An identification of the hazardous constituents contained in the wastes.

(ii) An estimation of the mass and concentration of the constituents in the wastestream discharged during that calendar month.

(iii) An estimation of the mass of constituents in the wastestream expected to be discharged during the following 12 months.

(D) All notifications must be sent within 180 days after the discharge commences. Only one notification is required for each hazardous waste discharged. Notification of changed conditions, however, must be submitted pursuant to Subsection

of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in Title 40, Code of Federal Regulations, Sections 261.30(d) and 261.33(e), as amended, requires a one-time notification. No additional notification is required for the subsequent discharge of a hazardous waste in excess of the quantities permitted.

(3) Listing of new hazardous waste. In the case of any new regulation under Section 3001 of the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.) identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user shall notify the director, the EPA Region VI Waste Management Division Director, and the TCEQ of the discharge of such substance within 90 days after the effective date of the regulation.

(4) Certification required. In the case of any notification made under this section, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(5) No right to discharge created. This subsection does not create a right to discharge any substance not otherwise permitted to be discharged by this chapter, a permit issued under this chapter, or any applicable federal or state law.

(j) Analytical requirements. All pollutant analyses (including sampling techniques) to be submitted as part of a wastewater discharge permit application or report must be performed in accordance with the techniques prescribed in Title 40, Code of Federal Regulations, Part 136, as amended, unless otherwise specified in an applicable categorical pretreatment standard. If Title 40, Code of Federal Regulations, Part 136, as amended, does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by the EPA or TCEQ.

(k) Sample collection.

(1) Except as indicated in Subsection (k)(2), the industrial user shall collect wastewater samples using flow proportional composite collection techniques. If flow proportional sampling is not feasible, the director may authorize the use of time proportional sampling or a minimum of four grab samples if the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

(2) Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

(3) The industrial user shall comply with self-monitoring, sampling, reporting, notification, and recordkeeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type, based on the applicable general pretreatment standards in Title 40, Code of Federal Regulations, Chapter 403, as amended, categorical pretreatment standards, local limits, and state and local law.

(l) Date reports deemed received. Written reports are deemed to have been submitted on the date postmarked. For reports that are not mailed, postage prepaid, into a mail receptacle serviced by the United States Postal Service, the date the report is received governs.

(m) Certification and signatory requirements.

(1) The following must be certified to and signed by the authorized representative:

(A) All permit applications.

(B) Baseline monitoring reports.

(C) Reports on compliance with categorical pretreatment standard deadlines.

(D) Periodic compliance reports.

(E) Any report specifically required by

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

~~—(n) Best management practice documentation. If the pretreatment standards require compliance with best management practices or a pollution prevention alternative, the industrial user shall submit documentation to the director demonstrating compliance with these requirements.~~

(n) Best management practice documentation. If the pretreatment standards require compliance with best management practices or a pollution prevention alternative, the industrial user shall submit documentation to the director demonstrating compliance with these requirements. The industrial user is required to submit the compliance documentation in the reports required by Subsections (a), (b), (c), and (d). (Ord. Nos. 28084; 31480)

SEC. 49-52. RECORDKEEPING.

~~—(a) An industrial user subject to the reporting requirements of this article shall retain (and make available for inspection and copying) all information obtained pursuant to monitoring activities required by this article and any additional information obtained through monitoring activities undertaken by the industrial user, independent of such requirements. Records documenting best management practices are specifically included in this recordkeeping requirement and must be maintained in accordance with this section.~~

(a) An industrial user subject to the reporting requirements of this article shall retain (and make available for inspection and copying) all information obtained pursuant to Section 49-51(k)(3), independent of such requirements. Records documenting best

management practices are specifically included in this recordkeeping requirement and must be maintained in accordance with this section.

(b) Records must include the following information:

- (1) The date, exact place, method, and time of sampling.
- (2) The name of each person who took the samples.
- (3) The dates the analysis was performed.
- (4) The name of each person who performed the analysis.
- (5) The analytical technique or method used.
- (6) The results of the analysis.

(c) These records must be retained and made available by an industrial user for a period of at least three years. This period will automatically be extended for the duration of any litigation concerning the industrial user or the city, or where the industrial user has been specifically notified of a longer retention period by the director.

(d) Any record submitted pursuant to Subsections (a) and (b) must be retained by the city for a period of at least three years. This period will automatically be extended for the duration of any litigation concerning the industrial user or the city, or where the city has notified the industrial user of a longer retention period. In addition, the city shall make all reports available for inspection and copying by the public. (Ord. Nos. 28084; 31480)

SEC. 49-53. PUBLICATION OF INDUSTRIAL USERS IN SIGNIFICANT NONCOMPLIANCE.

The director shall annually publish, in the largest daily newspaper published in the city, a list of the industrial users who, during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements. (Ord.

wastewater metering device is installed, the owner shall provide and maintain a metering device, of a type approved by the director, to measure sources of private water.

(d) Estimated usage. If an activity on premises consumes water by evaporation, includes water in a product, or discharges water into a storm sewer, the owner may make application to the director for reduction in the volume of wastewater estimated to be discharged from the premises. The application must contain supporting data, including but not limited to a flow diagram showing the route and destination of the water supply and wastewater. (Ord. Nos. 19201; 26925; 28084)

SEC. 49-55.3. INSPECTION AND SAMPLING.

(a) Inspection and sampling. The director shall inspect and sample each significant industrial user at least once each year. The director may, however, inspect and sample a significant industrial user more frequently. The inspection, surveillance, and monitoring must be independent of information received from the self-monitoring reports program. If a significant industrial user requires additional samples, the director may require the user to pay the cost of the additional service.

~~—(b) Sample collection and analysis. Samples must be collected and analyzed in accordance with Sections 49-51(j) and (k). A sample may be taken manually or by use of mechanical equipment.~~

~~—(c) Submission of monitoring data. All significant industrial users shall submit all monitoring data of regulated pollutants that has been collected at the appropriate sampling location, in accordance with Section 49-51.~~

(b) Sample collection and analysis. Samples must be collected and analyzed in accordance with Sections 49-51(j) and (k). Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type, must be based on the applicable general pretreatment standards in Title 40, Code of Federal Regulations, Chapter 403, as amended, categorical pretreatment standards, local limits, and state and local law. A sample may be taken manually or by use of

mechanical equipment.

(c) Submission of monitoring data. All significant industrial users shall submit all monitoring data of regulated pollutants that has been collected at the appropriate sampling location, in accordance with Section 49-51. Self-monitoring, sampling, reporting, notification, and recordkeeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type, must be based on the applicable general pretreatment standards in Title 40, Code of Federal Regulations, Chapter 403, as amended, categorical pretreatment standards, local limits, and state and local law.

(d) Accidental discharge/slug control plans. Within one year after an industrial user is designated as a significant industrial user, the director shall evaluate and determine whether the significant industrial user needs to develop, submit, and implement an accidental discharge/slug control plan. The director may also require any industrial user to develop, submit, and implement such a plan. Alternatively, the director may develop the plan for any industrial user. An accidental discharge/slug control plan must address, at a minimum, the following:

- (1) A description of discharge practices, including non-routine batch discharges.
- (2) A description of stored chemicals.
- (3) Procedures for immediately notifying the director of any accidental or slug discharge, as required by Section 49-51(i).
- (4) Procedures to prevent adverse impact from any accidental or slug discharge. The procedures may include, but are not limited to, the inspection and maintenance of storage areas, the handling and transfer of materials, the loading and unloading operations, the control of plant site runoff, worker training, the building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and measures and equipment needed in the event of emergency response.

The results of the activities described in Paragraphs (1) through (4) of this subsection must be available to the

approval authority upon request.

(e) Self-monitoring program. The director may, to the extent permitted by the EPA, delegate self-monitoring and reporting responsibilities to specific industrial waste discharge permittees, based upon the compliance history of a permittee and the volume and character of the waste discharge. Self-monitoring data from an industrial user must be submitted with accompanied chain-of-custody forms.

(f) Waiver of pollutant sampling.

(1) The city may authorize an industrial user subject to a categorical pretreatment standard to forego sampling of a pollutant regulated by a categorical pretreatment standard if the industrial user has demonstrated, through sampling and other technical factors, that the pollutant is neither present nor expected to be present in the discharge, or, if present, is only present at background levels from intake water, without any increase in the pollutant due to activities of the industrial user.

(2) The authorization is subject to the following conditions:

(A) The pollutant is determined to be present solely due to sanitary wastewater discharged from the facility, provided that the sanitary wastewater:

(i) is not regulated by an applicable categorical standard; and

(ii) includes no process wastewater.

(B) The waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than five years. The industrial user must submit a new request for a waiver when a subsequent individual wastewater discharge permit is granted.

(C) The industrial user must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility. The process wastewater sample must be representative of wastewater from all processes.

~~_____ (D) The request for a waiver must be signed in accordance with Section 49-1(5) and include the certification statement in Section 49-51(m).~~

(D) The request for a waiver must be signed in accordance with Section 49-1(5) and include the following certification statement:

"Based on my inquiry of the person or persons directly responsible for managing compliance with the pretreatment standard for 40 CFR _____ [specify applicable national pretreatment standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of _____ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report."

(E) Non-detectable sample results may be used as a demonstration that a pollutant is not present if the EPA-approved method from Title 40, Code of Federal Regulations, Part 136, as amended, with the lowest minimum detection level for that pollutant was used in the analysis.

~~_____ (F) Any waiver by the director must be included as a condition in the industrial user's permit.~~

~~The reasons supporting the waiver and any information submitted by the industrial user in its request for the waiver must be maintained by the director for a period of three years after the expiration of the waiver.~~

(F) Any waiver by the director must be included as a condition in the industrial user's permit, including the requirement of Section 49-51(k)(3). The reasons supporting the waiver and any information submitted by the industrial user in its request for the waiver must be maintained by the director for a period of three years after the expiration of the waiver.

(G) The industrial user must certify that there has been no increase of the pollutant in its wastestream due to its activities. The certification must appear on all future reports, along with the statement in Section 49-51(m).

~~_____ (H) If a waived pollutant is found to be present or is expected to be present because of changes occurring in the industrial user's operations, the industrial user must immediately:~~

~~_____ (i) comply with the sampling requirements of Section 49-55.3(a) or other more frequent sampling requirements imposed by the director; and~~

(H) In the event that a waived pollutant is found to be present or is expected to be present based on changes occurring in the industrial user's operations, the industrial user must immediately:

(i) comply with the sampling requirements of Section 49-51(d) or other more frequent sampling requirements imposed by the director; and

(ii) notify the director.

(3) This subsection does not supersede certification processes and requirements established in categorical pretreatment standards, except as otherwise provided in the categorical pretreatment standards. (Ord. Nos. 19201; 20215; 21409; 26925; 28084; 31480)

SEC. 49-55.4. CONFIDENTIALITY.

(a) Confidential information. An industrial user

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<u>Ordinance Number</u>	<u>Specified Passage Date</u>	<u>Effective Date</u>	<u>Ordinance Section</u>	<u>City Code Section</u>
31479 (Cont'd)			6	Amends 43-168(o)
			7	Amends 43-168(s)
			8	Amends 43-168(t)
			9	Amends 43-169(a)
			10	Amends 43-169(e)
			11	Amends 43-169(i)
			12	Amends 43-169(l)
			13	Amends 43-169(n)
			14	Amends 43-169(p)
			15	Adds 43-169(r)
			16	Adds 43-169(s)
			17	Amends 43-170(c)
			18	Amends 43-170(d)
			19	Amends 43-171
			20	Amends 43-172
			21	Amends 43-174(b)
31480	3-25-20		1	Amends 49-1(8)
			2	Amends 49-1(40)
			3	Amends 49-1(54)
			4	Amends 49-1(72)
			5	Amends 49-1(85)
			6	Amends 49-1(90)
			7	Amends 49-41(a)
			8	Amends 49-43(a)
			9	Amends 49-43(b)
			10	Amends 49-43(c)
			11	Amends 49-46
			12	Amends 49-48
			13	Amends 49-51(c)
			14	Amends 49-51(e)
			15	Amends 49-51(f)
			16	Amends 49-51(h)
			17	Amends 49-51(k)
			18	Amends 49-51(n)
			19	Amends 49-52(a)
			20	Amends 49-55.3(b)
			21	Amends 49-55.3(c)
			22	Amends 49-55.3(d)
			23	Amends 49-55.3(f)(2)
31504	4-8-20		1	Amends 8-1.4(a)
31505	4-8-20		1	Amends 8-1.4(a)
			2	Adds 8-1.4(i)

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<u>Ordinance Number</u>	<u>Specified Passage Date</u>	<u>Effective Date</u>	<u>Ordinance Section</u>	<u>City Code Section</u>
32597	11-8-23		1	Amends 28-45(a)
			2	Amends 28-50(c)
32604	12-13-23		1	Amends 34-4(21)
			2	Amends 34-4(35)
			3	Amends 34-6
			4	Deletes 34-16(f)
			5	Amends 34-17(b)
			6	Amends 34-19(a)(3)
			7	Amends 34-19(b)(9)
			8	Amends 34-22.3(a)(1)
			9	Amends 34-22.4(a)
			10	Amends 34-24.2
			11	Amends 34-32(c)(5)
			12	Amends 34-36(b)(1)
			13	Amends 34-38(k)
32607	12-13-23		1	Amends 41A-4(e)
32608	12-13-23		1	Adds 7A-4.1
32655	2-14-24		1	Amends 7A-2
32673	3-27-24		1	Amends 17-2.2(c)
32676	3-27-24	5-1-24	1	Amends 49-18.14
32703	4-10-24		1	Amends 15D-9.30
32704	4-10-24		1	Amends 47A-2.4.8(f)(3)
32710	4-24-24		1	Amends 28-50(c)
			2	Amends 28-59
			3	Amends 28-99
			4	Amends 28-101
32725	5-8-24		1	Repeals 31-33
32726	5-8-24		1	Amends 40B-2
			2	Amends 40B-3
			3	Amends 40B-6(d)
			4	Amends 40B-7(a)
32735	5-22-24	10-1-24	1	Amends 28-2(a)
			2	Amends 28-26(b)
			3	Amends ch. 28, div. 4
32789	8-14-24		1	Amends Ch. 2, Art. V-a (title)
				Amends 2-43
				Amends 2-44
			2	Amends 2-49
32797	8-14-24		1	Adds 28-76.6
			2	Amends 28-130.9(a)
32801	8-14-24		1	Deletes 8-1.5(a-1)

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<u>Ordinance Number</u>	<u>Specified Passage Date</u>	<u>Effective Date</u>	<u>Ordinance Section</u>	<u>City Code Section</u>
32843	9-11-24		1	Amends 7-5.5(a)
			2	Amends 7-5.5(c)
			3	Amends 7-5.5(e)
			4	Amends 7-5.6(c)
			5	Amends 7-5.12
			6	Amends 7-5.13(a)
			7	Amends 7-5.15
			8	Amends 7-5.16(c)
			9	Amends 7-8.1(e)
32847	9-11-24		1	Amends 28-45(a)
32848	9-11-24		1	Amends 28-44
32863	9-18-24		1	Amends 2-26.2(a)
			2	Amends 2-26.2(f)
			3	Amends 2-168(b)
			4	Amends 18-9(c)
			5	Adds 18-9.1
			6	Amends 18-11(a)(5)
			7	Amends 18-11(b)(2)
		4-1-25	8	Amends 18-35(a)
			9	Amends 24-3(b)
			10	Amends 24-3(e)
			11	Amends 28-26(f)
			12	Amends 28-114.12(b)
			13	Amends 28-114.12(c)
			14	Amends 28-121.15(a)(3)
			15	Amends 28-121.15(a)(5)
			16	Amends 28-121.15(c)(5)
			17	Amends 28-121.16(d)
			18	Amends 43-126.6(a)
			19	Amends 49-161(e)
			20	Amends 49-18.1(c)
			21	Amends 49-18.1(f)(1)
			22	Amends 49-18.1(g)
			23	Amends 49-18.1(i)
			24	Amends 49-18.2(c)
			25	Amends 49-18.2(f)
			26	Amends 49-18.4(b)
			27	Amends 49-18.4(e)
			28	Amends 49-18.4(f)
			29	Amends 49-18.5
			30	Amends 49-18.6

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<u>Ordinance Number</u>	<u>Specified Passage Date</u>	<u>Effective Date</u>	<u>Ordinance Section</u>	<u>City Code Section</u>
32863 (Cont'd)			31	Amends 49-18.8
			32	Amends 49-18.9
			33	Amends 49-18.11
			34	Amends 49-18.16(a)
			35	Amends 49-18.16(b)
			36	Amends 49-18.16(e)
32864	9-18-24		1	Amends Ch. 2, Art. V-c (title) Amends 2-48 Amends 2-49
			2	Amends Ch. 2, Art. XVII-a (title) Repeals 2-139.1 Repeals 2-139.2
			3	Amends Ch. 2, Art. XIX (title) Amends 2-142 Amends 2-143
			4	Amends 5-21
			5	Amends 14B-5
			6	Amends 20A-24(6)
			7	Amends 20A-24(10)
			8	Amends 27-17(a)
			9	Amends 28-19(a)
			10	Amends 28-24
			11	Amends 28-29
			12	Amends 28-103
			13	Amends 28-130(b)
			14	Amends 28-130.2(b)
			15	Amends 28-130.5
			16	Amends 28-130.12(d)
			17	Amends 28-194
			18	Amends 28-201(c)
			19	Amends 30-2
			20	Amends 36-45
			21	Amends 39-4(a)
			22	Amends 42A-6(g)(1)
			23	Amends 42A-28.2(g)
			24	Amends 42A-28.8(b)
			25	Amends 42A-28.9
			26	Amends 42A-40(d)
			27	Amends 43-63
28	Amends 43-121(c)			
29	Amends 43-126.5(d)			

Code Comparative Table

<u>Ordinance Number</u>	<u>Specified Passage Date</u>	<u>Effective Date</u>	<u>Ordinance Section</u>	<u>City Code Section</u>
32864 (Cont'd)			30	Amends 43-126.16(5)
			31	Amends 43-135(9)
			32	Amends 45-7
			33	Amends 49-27(a)
32865	9-18-24		1	Amends 34-9(a)
			2	Amends 34-25(b)
32911	11-13-24		1	Amends 2-11.2
32924	12-11-24		1	Amends 12A-2(22)
			2	Amends 12A-29(1)
			3	Amends Ch. 12A, Art. VII, 12A-46 thru 12A-48
32926	12-11-24		1	Amends 2-26.2(g)(1)
			2	Amends 2-26.2(h)(4)

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~~Duties Sec. 2-139.2~~

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CITY OF DALLAS, TEXAS

CODE OF ORDINANCES

VOLUME III

Contains 10/24 Supplement, current through
Ordinance 32848, passed 9-11-2024

Contains 1/25 Supplement, current through
Ordinance 32926, passed 12-11-2024

AMERICAN LEGAL PUBLISHING

525 Vine Street, Suite 310 Cincinnati, Ohio 45202 (513) 421-4248

<u>Type of Application</u>	<u>Application Fee</u>	<u>Area of Notification for Hearing</u>
All applications relating to neighborhood stabilization overlay districts and accessory dwelling unit overlays:		
0-1 acre	\$500.00	200 feet
over 1 acre to 5 acres	\$1,200.00	200 feet
over 5 acres to 25 acres	\$2,400.00	200 feet
over 25 acres	\$2,400.00	200 feet
All applications relating to conservation districts		
0-1 acre	\$500.00	200 feet
over 1 acre to 5 acres	\$1,200.00	200 feet
over 5 acres to 25 acres	\$2,400.00	200 feet
over 25 acres	\$2,400.00	200 feet
Application for original SUP:		
0-1 acre	\$1,170.00	200 feet
over 1 acre to 5 acres	\$1,170.00	300 feet
over 5 acres to 25 acres	\$1,170.00	400 feet
over 25 acres	\$1,170.00	500 feet
pedestrian skybridge	\$10,000.00	See 51A-4.217(b)(12)
gas drilling and production	\$2,000.00	1,000 feet
Application for SUP amendment or renewal:		
0-1 acre	\$825.00*	200 feet
over 1 acre to 5 acres	\$825.00*	300 feet
over 5 acres to 25 acres	\$825.00*	400 feet

<u>Type of Application</u>	<u>Application Fee</u>	<u>Area of Notification for Hearing</u>
over 25 acres	\$825.00*	500 feet
*If an SUP is automatically renewed in accordance with the procedures outlined in Section 51A-4.219 and no public hearings are held in conjunction with its renewal, the applicant shall be entitled to a refund of \$350.00 as of the date of the renewal.		
Straight zoning and all other zoning applications:		
0-1 acre	\$1,050.00	200 feet
over 1 acre to 5 acres	\$2,610.00	300 feet
over 5 acres to 15 acres	\$5,820.00	400 feet
over 15 acres to 25 acres	\$9,315.00	400 feet
over 25 acres	\$9,315.00 + \$113.00 per each acre over 25	500 feet
Maximum fee	\$37,500.00	

(5) An applicant shall pay a fee of \$400.00 for an appeal to the city council of any decision of the city plan commission denying a zoning application described in Paragraph (4) of this subsection.

(b) Fees for board of adjustment applications. Refer to Section 303.12.1 in Chapter 52 of the Dallas City Code.

~~(1) An application will not be processed until the fee has been paid.~~

~~(2) The applicant shall pay the filing fee to the building official. The building official shall deposit fees received in the official city depository not later than the next business day following receipt of the fees.~~

~~(3) The city controller shall refund 75 percent of the filing fee to the applicant if the applicant withdraws the application prior to the case being advertised for hearing. After the case is advertised, no refund of the filing fee may be made.~~

~~(4) Fee schedule:~~

Type of Application	Application Fee
Single family variance	\$600.00
Single family special exception	\$600.00
Multifamily or nonresidential variance	\$900.00 + \$25 per acre
Multifamily or nonresidential special exception	\$1,200.00 + \$25 per acre
Landscaping or tree mitigation special exception	\$1,200.00 + \$50 per acre
Variance and special exception to off street parking requirements	\$900.00 + \$100 per parking space variance or special exception requested
Compliance request for a nonconforming use	\$1,000
All other non sign appeals	\$900.00
Sign special exceptions	\$1,200.00
All other sign appeals	\$900.00

~~(5) The applicant shall pay a separate filing fee for each type of variance requested. The maximum fee for all variances on one building site heard at one public hearing is \$10,000.00.~~

~~(6) The board may waive the filing fee if the board finds that payment of the fee would result in substantial financial hardship to the applicant. The applicant may either pay the fee and request reimbursement at the hearing on the matter or request that the issue of financial hardship be placed on the board's miscellaneous docket for predetermination. If the issue is placed on the miscellaneous docket, the applicant may not file the application until the merits of the request for waiver have been determined by the board. In making this determination, the board may require the production of financial documents. Notwithstanding the above, the board may waive the fee for a request to establish a compliance date under Section 51A-4.704(a)(1) only if:~~

~~(A) the applicant is a corporeal person for whom payment of the fee would result in substantial financial hardship; or~~

~~(B) a written request for a fee waiver is signed by the owners, as evidenced by the last approved city tax roll, of 20 percent or more of real property within 200 feet, including streets and alleys, of the boundary of the lot containing the nonconforming use.~~

(c) Fees for fill permits for removal of a flood plain designation.

(1) An application will not be processed until the fee has been paid.

(2) The applicant shall pay a filing fee to the director of water utilities. The director of water utilities shall deposit fees received in the official city depository not later than the next business day following receipt of the fees.

(3) No refund of a fee may be made.

(4) Fee schedule.

Type of Application	Application Fee	Area of Notification for Hearing
Fill permit for land within the Trinity River or Elm Fork flood plains	\$8,150.00	500 feet
Fill permit for land within the interior drainage areas	\$1,436.00	
Fill permit in all other applications	\$8,150.00	500 feet
Single family	\$8,150.00	500 feet

(d) Fees for extraordinarily significant sign designation.

(1) An application will not be processed until the fee has been paid.

(2) The applicant shall pay the filing fee to the director. The director shall deposit fees received in the official city depository not later than the next business day following receipt of the fees.

- (3) No refund of a fee may be made.
- (4) Fee schedule.

<u>Type of Application</u>	<u>Application Fee</u>	<u>Area of Notification for Hearing</u>
Designation of an existing sign as an extraordinarily significant sign	\$600.00	200 feet

(e) Fees for creating or amending a voluntary deed restriction.

- (1) An application will not be processed until the fee has been paid.
- (2) The applicant shall pay the filing fee to the director. The director shall deposit fees received in the official city depository not later than the next business day following receipt of the fees.
- (3) The controller shall refund 35 percent of the filing fee to the applicant if the application is not forwarded to council after a public hearing by the commission.
- (4) If a deed restriction amendment is submitted as part of an application for a change in a zoning district classification or boundary, the fee outlined in this subsection is not required.
- (5) Fee schedule.

<u>Type of Application</u>	<u>Application Fee</u>
Creation of a voluntary deed restriction where the city is a party	\$350.00
Amendment to a voluntary deed restriction where the city is a party	\$900.00

(f) Fees for notification signs.

- (1) An application will not be processed until the fee for notification signs has been paid.

(2) The applicant shall pay the fee to the director. The director shall deposit fees received in the official city depository not later than the next business day following receipt of the fees.

(3) No refund of a fee may be made.

(4) There is no fee for a sign required under Section 51A-1.106(a)(4). The fee for all other notification signs required under Section 51A-1.106 is \$10 for each sign.

(g) Fees for inspection of infrastructure improvements constructed under private development contracts. Refer to Section 303.14.5 in Chapter 52 of the Dallas City Code.

~~(1) An inspection of infrastructure improvements constructed under a private development contract, as required under Section 51A-8.612, will not be performed until the fee has been paid.~~

~~(2) The owner of the property to be platted under a private development contract shall pay the inspection fee to the building official. The building official shall deposit fees received in the official city depository not later than the next business day following receipt of the fees.~~

~~(3) Fee schedule:~~

<u>Type of Inspection</u>	<u>Inspection Fee</u>
The value of the proposed improvement is \$25,000 or less	\$500.00
The value of the proposed improvement is from \$25,001 to \$100,000	\$500.00, plus \$0.02 multiplied by the value of the improvement in excess of \$25,001
The value of the proposed improvement is 100,001 or more	\$2,000.00, plus \$0.01 multiplied by the value of the improvements in excess of \$100,001

(h) Fees for letters of zoning verification. Refer to Section 303.12.2 in Chapter 52 of the Dallas City Code.

~~(1) A letter of zoning verification will not be processed until the fee for the letter has been paid.~~

~~(2) The applicant shall pay the fee to the director. The director shall deposit fees received in the official city depository not later than the next business day following receipt of the fees.~~

~~(3) No refund of a fee may be made.~~

~~(4) The standard fee for a letter of zoning verification is \$90 per letter. A minimum processing time of seven days is required after payment of the standard fee. If expedited processing is requested, a surcharge must be paid in accordance with the following schedule:~~

<u>Processing Time</u>	<u>Surcharge</u>
1 day	\$25.00
2-3 days	\$20.00
4-5 days	\$15.00
6 days	\$10.00

~~(5) A request for a letter of zoning verification must be made in writing. The maximum area for which a letter of zoning verification may be requested is one city block. If the area for which zoning verification is requested cannot be clearly defined by lot and block number, the applicant must furnish a plat with the request.~~

(i) Fees for development impact review. Refer to Section 303.12.3 in Chapter 52 of the Dallas City Code.

~~(1) An application will not be processed until the fee has been paid.~~

~~(2) The applicant shall pay the filing fee to the building official. The building official shall deposit fees received in the official city depository not later than the next business day following receipt of the fees.~~

~~(3) No refund of a fee may be made.~~

~~(4) The fee for a site plan review required under Section 51A-4.803 is \$50.00.~~

~~(5) An applicant shall pay a fee of \$300.00 for an appeal to the city plan commission of a decision of the director denying a development impact review or residential adjacency review application, as described in this chapter.~~

(j) Fees for thoroughfare plan amendments.

(1) An application will not be processed until the fee has been paid.

(2) The applicant shall pay the filing fee to the director of development services. The director of development services shall deposit fees received in the official city depository not later than the next business day following receipt of the fees.

(3) No refund of a fee may be made.

(4) Fee schedule for thoroughfare plan amendment:

<u>Length of Roadway</u>	<u>Application Fee</u>
0-.25 miles	\$5,325.00 \$6,350.00
Longer than .25 miles	\$5,325.00 plus \$.87 per linear foot

(k) Fees for miscellaneous items.

(1) An application will not be processed until the fee has been paid.

(2) The applicant shall pay the filing fee to the director. The director shall deposit fees received in the official city depository not later than the next business day following receipt of the fees.

(3) Fee schedule.

<u>Type of Application</u>	<u>Application Fee</u>	<u>Area of Notification for Hearing</u>
Minor plan amendment	\$825.00	
Appeal of the decision of the director to city plan commission or the decision of the city plan commission to the city council for a minor plan amendment	\$300.00	
Detailed development plan when submitted after passage of an ordinance establishing a planned development district	\$600.00 for each submission	
Waiver of the two year waiting period under Section 51A-4.701(d)(3)	\$300.00	
Extension of the development schedule under Section 51A-4.702(g)(3)	\$75.00	
Waiver of the requirement of proof that taxes, fees, fines, and penalties are not delinquent under Section 51A-1.104.1	\$200.00	
Appeal to the city council of a moratorium on a zoning or nonzoning matter handled by the department	\$300.00	
Request for a letter from the department explaining the availability of water services for a development site	\$200.00 Refer to Section 303.17.1 in Chapter 52 of the Dallas City Code	
Request for a letter from the department explaining the availability of wastewater services for a development site.	\$200.00 Refer to Section 303.17.1 in Chapter 52 of the Dallas City Code	
Request for performance of a wastewater capacity analysis on an existing wastewater line to determine its capacity for a proposed development or land use	\$2,500.00 Refer to Section 303.17.2 in Chapter 52 of the Dallas City Code	
Appeal of an apportionment determination to the city plan commission	\$600.00	
Appeal an apportionment determination decision of the city plan commission to the city council	\$600.00	

<u>Type of Application</u>	<u>Application Fee</u>	<u>Area of Notification for Hearing</u>
Appeal a decision of the landmark \$300.00 commission landmark commission on a predesignation certificate of appropriateness, certificate of appropriateness, or certificate for demolition or removal to the city plan commission regarding a single family use or a handicapped group dwelling unit use	\$300.00	
Appeal a decision of the landmark commission on a predesignation certificate of appropriateness, certificate of appropriateness, or certificate for demolition or removal to the city plan commission regarding any other use	\$700.00	
Request for a sidewalk width waiver under Section 51A-4.124(a)(8)(C)(v)	\$300.00 Refer to Section 303.5.6 in Chapter 52 of the Dallas City Code	
Request for an administrative parking reduction under Section 51A-4.313	\$375.00 and \$25 per space over 10 spaces Refer to Section 303.12.5 in Chapter 52 of the Dallas City Code	

Note: The director shall also send notification of minor plan amendments to the city plan commission members, any known neighborhoods associations covering the property, and persons on the early notification list at least 10 days prior to the city plan commission meeting.

(l) Fees for a street name change and for a ceremonial street naming. Refer to Sections 303.13.1 and 303.13.2 in Chapter 52 of the Dallas City Code.

~~(1) The following fees are required for a street name change:~~

~~(A) A street name change fee must be paid to the director before an application will be processed.~~

~~(B) A fee for new street identification signs must be paid to the director of development services within 60 days of the approval of a street name change by the city council.~~

~~(C) A fee for change of official address records must be paid to the building official within 60~~

days of the approval of a street name change by the city council:

~~(D) Fee schedule:~~

(i)	Application Fee-	Amount
	If the street is less than one-fourth mile	\$1,500.00
	If the street is less than one-half mile but more than or equal to one-fourth mile	\$2,100.00
	If the street is less than one-mile but more than or equal to one-half mile	\$2,700.00
	If the street is more than or equal to one mile	\$2,700.00 for first mile plus \$600.00 for each additional one-fourth mile.
(ii)	Street Identification Sign Fee-	Amount
	For each blade to be replaced	\$113.00
	For each mast arm to be replaced	\$223.00
	For Texas Department of Transportation signs to be replaced	To be determined based upon Texas Department of Transportation cost calculation at the time of installation.
(iii)	Change of Official Address Fee-	Amount
	For each address change up to 10	\$150.00
	For more than 10 address changes	\$1,500.00 for the first ten address changes plus \$113.00 per hour of service required for additional address changes.

~~(E) No fee is required for street name change applications filed by the governmental entities listed in Section 51A-1.105.1.~~

~~(2) The following fee is required for a ceremonial street naming:~~

~~(A) A ceremonial street naming fee must be paid to the director before an application will be processed:~~

~~(B) Fee schedule:~~

<u>Application Fee</u>	<u>Amount</u>
If the street is less than one-fourth mile	\$750.00
If the street is less than one-half mile but more than or equal to one-fourth mile	\$1,050.00
If the street is less than one mile but more than or equal to one-half mile	\$1,350.00
If the street is more than or equal to one mile	\$1,350.00 for first mile plus \$300.00 for each additional one-fourth mile.

~~(C) Additional fees may be required for production and installation of ceremonial street name toppers:~~

~~(D) No fee is required for a ceremonial street naming application filed by the governmental entities listed in Section 51A-1.105.1:~~

(m) Fees for special parking and mechanized parking. Refer to Section 303.12.4 in Chapter 52 of the Dallas City Code.

~~(1) An application will not be processed until the fee has been paid:~~

~~(2) The applicant shall pay the filing fee to the director. The director shall deposit fees received in the official city depository not later than the next business day following receipt of the fees:~~

~~(3) Fee schedule:~~

<u>Type of Application</u>	<u>Application Fee</u>
Application for special or mechanized parking involving 50 special or mechanized parking spaces or fewer (including fee for special or mechanized parking license, if applicable)	\$375.00
Application for special or mechanized parking involving more than 50 special or mechanized parking spaces—additional fee for each special or mechanized parking space over 50	\$12.50
Application for renewal of special or mechanized parking license	\$375.00

(n) Fees for platting, replatting, and other related fees. Refer to Section 303.13.3 in Chapter 52 of the Dallas City Code.

~~(1) Terms used in this subsection are defined in Articles II and VIII of this chapter:~~

~~(2) An application will not be processed until the fee has been paid. The applicant shall pay the filing fee to the director. The director shall deposit fees received in the official city depository not later than the next business day following receipt of the fees:~~

~~(3) It might be necessary to submit a plat for review and approval more than once. There is a separate fee for submission of a preliminary plat and submission of a final plat (except there is no fee for a final minor plat or a final amending plat (minor)). Fees for each revised submission are indicated in the fee schedule below. The fee for submission of a final plat for a phase is calculated as if the phase was a freestanding plat. The submission fee for an amending plat (major) is calculated as for a preliminary plat. The addition of up to 10 percent of the area of a previously submitted preliminary plat is considered a revision; if more area than that is added, the revised plat is considered a new preliminary plat:~~

~~(4) Fee schedule.~~

<u>Type of Application</u>	<u>Application Fee</u>
Preliminary plat, amending plat (major), or final plat containing 20 lots or fewer	\$1,548 plus: (a) \$17 per lot if no lot exceeds 3 acres; or (b) \$70 per acre if any lot exceeds 3 acres
Preliminary plat, amending plat (major), or final plat containing more than 20 lots	\$2,193 plus: (a) \$17 per lot if no lot exceeds 3 acres; or (b) \$70 per acre if any lot exceeds 3 acres; no fee for a final minor plat
Minor plat submitted as a final plat	\$2,664 plus (a) \$26 per lot if no lot exceeds 3 acres; or (b) \$140 per acre if any lot exceeds 3 acres
Amending plat (minor), vacation of plat, or certificate of correction	\$323; no fee for a final amending plat (minor)
Each revised submission of a preliminary plat, amending plat (major or minor), minor plat, or final plat that has not been recorded	one half of the original fee schedule in effect at the time revision is submitted
Maximum charge, not including fees charged under Subsection (6), for a preliminary plat, amending plat (major or minor), minor plat, or a final plat, and all revised submissions	\$19,350 each type of plat

~~(5) The subdivision administrator may waive the fee required if it is determined that a subsequent plat submission is necessary due to an error or omission by the city in the review of an earlier plat submission.~~

~~(6) An applicant who submits engineering plans shall pay to the director of development services:~~

~~(A) \$1,500 for the initial submission of engineering plans;~~

~~(B) no fee for the applicant's submission of the first modification of the initial submission of engineering plans if it includes only those modifications required in response to comments and requirements made by the department of development services after reviewing the initial submission; and~~

~~(C) \$500 for each subsequent submission.~~

~~The fees required in this paragraph must be paid to the director of development services at the time of each submission. After the department of development services has approved all engineering plans and received payment of all required fees, the director of development services shall notify the commission of such approval and payment.~~

~~(7) The city controller shall refund 35 percent of the filing fee to the applicant if the applicant withdraws the application prior to the case being posted for hearing. After the case is posted, the applicant may withdraw the plat but the city controller will not refund any part of the filing fee. If the applicant withdraws the application in writing prior to the hearing date, the applicant may request that the filing fee be credited to a subsequent application for the same property if it is submitted within one year of the withdrawal date.~~

(o) Fee for amendment to Article VII, "Sign Regulations".

(1) An application will not be processed until the fee has been paid.

(2) The applicant shall pay the fee to the director. The director shall deposit fees received in the official city depository not later than the next business day following receipt of the fees.

(3) No refund of a fee may be made.

(4) Fee schedule.

<u>Type of Application</u>	<u>Application Fee</u>
Amendment to create a special provision sign district	\$5,600
All other amendments, supplementations, or changes to Article VII, "Sign Regulations"	\$1,100

(p) Fee for amendment to the Dallas Development Code other than to Article VII, "Sign Regulations."

(1) An application will not be processed until the fee has been paid.

(2) The applicant shall pay the fee to the director. The director shall deposit fees received in the official city depository not later than the next business day following receipt of the fees.

(3) No refund of a fee may be made.

(4) The fee for an application to amend, supplement, or change the Dallas Development Code, other than Article VII, "Sign Regulations," is \$6,700.

(q) Fees for sign review in special provision sign districts. Refer to Section 303.5.5.5 in Chapter 52 of the Dallas City Code.

~~(1) An application will not be processed until the fee has been paid.~~

~~(2) The applicant shall pay the fee to the director. The director shall deposit fees received in the official city depository not later than the next business day following receipt of the fees.~~

~~(3) No refund of a fee may be made.~~

~~(4) Fee schedule.~~

<u>Type of Application</u>	<u>Application Fee</u>
Certificate of appropriateness for a sign in a special provision sign district when review by the city plan commission is required under Section 51A-7.505.	\$345
Appeal of the decision of the director to city plan commission for a sign permit in a special provision sign district	\$300
Appeal of the decision of the city plan commission to the city council for a sign permit in a special provision sign district	\$300

<u>Type of Application</u>	<u>Application Fee</u>
Sign location permit under Section 51A-7.930.	\$5,000
Copy change fee under Section 51A-7.930.	10 cents per square foot of effective area

(r) Fee for an escarpment permit. Refer to Section 303.14.1 in Chapter 52 of the Dallas City Code.

~~(1) An application for an escarpment permit under Section 51A-5.204 of this chapter will not be processed until the fee has been paid.~~

~~(2) The applicant shall pay the fee to the director. The director shall deposit fees received in the official city depository not later than the next business day following receipt of the fees.~~

~~(3) No refund of a fee may be made.~~

~~(4) Fee schedule.~~

<u>Type of Application</u>	<u>Application Fee</u>
Escarpment permit	\$1,000.00

(s) Fee for tree removal application. Refer to Section 303.15.1 in Chapter 52 of the Dallas City Code.

~~(1) An application for a tree removal under Section 51A-10.132 of this chapter will not be processed until the fee has been paid.~~

~~(2) The applicant shall pay the fee to the director. The director shall deposit fees received in the official city depository not later than the next business day following receipt of the fees.~~

~~(3) No refund of a fee may be made.~~

~~(4) Fee schedule.~~

<u>Type of Application</u>	<u>Application Fee</u>
Free removal application	Cost of tree removal x \$.0095, with a minimum charge of \$60.00 for the project
First reinspection of work not completed, not corrected, or not accessible in initial inspection	\$60.00
Second reinspection of work not completed, not corrected, or not accessible in prior inspections	\$90.00
Third or subsequent reinspection of work not completed, not corrected, or not accessible in prior inspections	\$120.00

(t) Fee for municipal setting designation ordinance.

(1) An application will not be accepted until the initial filing fee has been paid. An application will not be placed on a city council agenda until the additional processing fee has been paid.

(2) The applicant shall pay the fees to the director. The director shall deposit fees received in the official city depository not later than the next business day following receipt of the fees.

(3) No refund of the fees may be made.

(4) The initial filing fee for a municipal setting designation ordinance is \$3,903. The director shall not mail notices or advertise the public meeting until the estimated cost of mailing notices and advertising the public meeting is paid. The director shall not place a municipal setting designation ordinance on a city council agenda until an additional processing fee of \$8,192 is paid.

(5) The city council may, by resolution, waive or reimburse the initial filing fee when the city council finds that payment of the fee would result in substantial financial hardship to the applicant.

(u) Fees for gas drilling and production.

(1) The city may use a qualified third party to conduct any inspections required by Article XII. The operator shall pay the city for any fees charged by third party inspectors within 30 days of receipt of an invoice from the city.

(2) Any permit that lapses for nonpayment of the annual permit fee will be reinstated upon payment of an additional fee of \$50.00 for each thirty-day period during the lapse.

(3) Fee schedule.

<u>Type of Application</u>	<u>Application Fee</u>
Seismic survey permit	\$150.00
New gas well permit	\$3,000.00 for the first well on an operation site and \$1,000 for each additional well on that same operation site
Amended permit	\$600.00
Reworking fee	\$800.00
Operator transfer	\$600.00
Annual fee (per well)	\$1,000.00
Regulated pipeline permit	\$1,500.00

(v) Fee for the city's review and consent to the creation of or amendment to a municipal utility district or any other district created under Article 16, Section 59 of the Texas Constitution.

(1) The fee shall be paid to the director when the application is filed. An application will not be processed until the fee has been paid.

(2) The director shall deposit fees in the official city depository not later than the next business day following receipt of the fees.

(3) No refund of a fee may be made.

permit and license appeal board in accordance with Section 2-96 of the Dallas City Code.

(9) By making an application for an occasional sale permit, accepting the permit, and conducting the sale, the permit holder authorizes any code enforcement officer to enter the property to determine that the occasional sale is being conducted in compliance with this chapter.

(10) Permits are only valid for the dates specified on the application. If inclement weather prevents the occasional sale, the director of code compliance may, in his sole discretion, issue a replacement permit at no cost to the applicant. The applicant must request the replacement permit within one week after the date of the cancelled occasional sale. No more than one replacement permit shall be issued per calendar year per address.

(y) Fees for property description review. Refer to Section 303.16.1 in Chapter 52 of the Dallas City Code.

~~(1) An application will not be processed until the fee has been paid.~~

~~(2) The applicant shall pay the fee to the director. The director shall deposit fees received in the official city depository not later than the next business day following receipt of the fees.~~

~~(3) A fee is required for each review.~~

~~(4) No refund of a fee may be made.~~

~~(5) Fee schedule:~~

<u>Type of Property Description</u>	<u>Application Fee</u>
Platted	\$12.50
Metes and bounds less than four pages	\$25.00
Metes and bounds four pages and more	\$50.00

(z) Fee-in-lieu for park land dedication and park development fees.

(1) The developer shall pay the filing fee to the building official. The building official shall deposit fees received in the official city depository not later than the next business day following receipt of the fees.

(2) Fee schedule for park land dedication fee-in-lieu.

<u>Type of Development</u>	<u>Fee-in-lieu</u>
Single family or duplex	\$762.00 per dwelling unit
Multifamily (one bedroom)	\$299.00
Multifamily (two or more bedrooms)	\$600.00
College dormitory, fraternity, or sorority house	\$299.00 per sleeping room
Hotel and motel	\$327.00 per guest room

(3) Park development fees.

<u>Type of Development</u>	<u>Park land development fee</u>
Single family or duplex	\$403.00 per dwelling unit
Multifamily (one bedroom)	\$158.00
Multifamily (two or more bedrooms)	\$317.00
College dormitory, fraternity, or sorority house	\$158.00 per sleeping room
Hotel and motel	\$173.00 per guest room

(aa) Fees for landmark commission applications.

(1) An application will not be processed until the fee has been paid.

(2) The applicant shall pay the filing fee to the building official. The building official shall deposit fees received in the official city depository not later than the next business day following receipt of the fees.

(3) The city controller shall refund 75 percent of the filing fee to the applicant if the applicant withdraws the application prior to the case being advertised for hearing. After the case is advertised, no refund of the filing fee may be made.

(4) Fee schedule.

Type of Application	Application Fee
Certificate of appropriateness for new construction	\$500
Certificate for demolition or removal	\$400
Certificate of appropriateness/certificate of demolition or removal for unauthorized work	\$600

(5) The applicant shall pay a single filing fee for each certificate of appropriateness or certificate for demolition or removal requested.

(6) The landmark commission may waive the filing fee if the landmark commission finds that payment of the fee would result in substantial financial hardship to the applicant. The applicant may request that the issue of financial hardship be placed on the landmark commission's miscellaneous docket for predetermination. If the issue is placed on the miscellaneous docket, the applicant may not file the application until the merits of the request for waiver have been determined by the landmark commission. In making this determination, the landmark commission may require the production of financial documents. (Ord. Nos. 19455; 19557; 19832; 20037; 20073; 20093; 20132; 20612; 20920; 20926; 20927; 21431; 21553; 21751; 22004; 22026; 22206; 22392; 22738; 22920; 24051; 24542; 24843; 25047; 25048; 25384; 26001; 26161; 26529; 26530; 26536; 26730; 26920; 27069; 27430; 27495; 27587; 27695; 27697; 27893; 28021; 28073; 28096; 28272; 28424; 28553; 28803; 29128; 29228; 29024; 30215; 30808; 30931; 30934; 30993; 30994; 31040; 31657; 32002; 32003; 32556; 32676; 32863)

SEC. 51A-1.105.1. FEE EXEMPTIONS AND REFUNDS.

(a) No fee is required for applications filed under this chapter by the U.S. Government, the State of Texas, or the city of Dallas if the property that is the subject of the application is devoted exclusively to governmental use.

(b) No fee is required for applications made to the board of adjustment pursuant to Section 51A-1.107, requesting a special exception to a regulation in this chapter based on a handicap.

(c) Whenever affordable housing units are provided as a part of a project in accordance with Division 51A-4.900, the director shall authorize a refund of a percentage of the total zoning and platting application fees paid for the project equal to the percentage of standard affordable housing units provided in the project. (Ord. Nos. 20037; 21176; 21183; 21663; 28096)

SEC. 51A-1.106. NOTIFICATION SIGNS REQUIRED TO BE OBTAINED AND POSTED.

(a) In general.

(1) The notification signs required in this section are intended to supplement state law and other Dallas Development Code notice requirements.

(2) The city plan commission, landmark commission, board of adjustment, or city council shall determine if an applicant has complied with the notification sign posting requirements in this section.

(b) Signs required to be obtained from the city. An applicant is responsible for obtaining the required number of notification signs and posting them on the property that is the subject of the application. Notification signs must be obtained from the director or the building official. An application will not be

(9.1) BICYCLE PARKING means Class I bicycle parking and Class II bicycle parking.

(10) BLOCK means an area bounded by streets on all sides.

(10.1) BLOCKFACE means:

(A) the distance along one side of a street between the two nearest intersecting streets;

(B) where a street deadends, the distance along one side of a street between the nearest intersecting street and the end of the deadend street; or

(C) where a street centerline contains a change of direction 90 degrees or more, the distance along one side of a street between either the nearest intersecting street or the deadend and the point determining the angle of the change of direction.

(11) BOARD means the board of adjustment.

(11.1) BREEZEWAY means an unenclosed passage connecting two buildings or portions of a building.

(12) BUILDING means a structure for the support or shelter of any use or occupancy.

(13) BUILDING LINE means a line marking the minimum distance a building may be erected from a street, alley, or lot line. (Also called the "setback line.")

(14) BUILDING OFFICIAL means the person designated by the city manager as the building official of the city, or the building official's authorized representative.

(15) BUILDING SITE means property that meets the requirements of Section 51A-4.601.

(16) "CA-1" DISTRICT means the CA-1 district established under Chapter 51.

(17) "CA-1(A)" DISTRICT means the CA-1(A) district established under this chapter.

(18) "CA-2" DISTRICT means the CA-2 district established under Chapter 51.

(19) "CA-2(A)" DISTRICT means the CA-2(A) district established under this chapter.

~~(20) CENTER LINE means a line running midway between the bounding right-of-way lines of a street or alley. Where the bounding right-of-way lines are irregular, the center line shall be determined by the director of public works.~~

(20) CENTER LINE means a line running midway between the bounding right-of-way lines of a street or alley. Where the bounding right-of-way lines are irregular, the center line shall be determined by the director of transportation and public works.

(21) CENTRAL AREA DISTRICTS means the CA-1(A) and CA-2(A) districts established under this chapter.

(22) CENTRAL BUSINESS DISTRICT means the area of the city within Woodall Rodgers Freeway, Central Expressway (elevated bypass), R. L. Thornton Freeway, and Stemmons Freeway.

(23) CITY COUNCIL means the governing body of the city.

(23.1) CLASS I BICYCLE PARKING means unenclosed parking spaces intended for bicycles where one or both wheels and the frame of a bicycle can be secured to a rack with a user-supplied lock.

(23.2) CLASS II BICYCLE PARKING means enclosed parking spaces intended for bicycles within a building or structure designed for increased security from theft and vandalism, such as locked bicycle storage rooms, bicycle check-in systems, and bicycle lockers.

(23.3) COLLECTOR means a street designated as either a community or residential collector in the city's thoroughfare plan.

(24) COMMERCIAL AND BUSINESS SERVICE USES means those uses defined in Section 51A-4.202.

(25) COMMISSION or CITY PLAN COMMISSION means the city plan and zoning

(95) "O-1" DISTRICT means the O-1 district established under Chapter 51.

(96) "O-2" DISTRICT means the O-2 district established under Chapter 51.

(97) OCCUPANCY means the purpose for which a building or land is used.

(98) OFFICE DISTRICTS means the NO(A), LO-1, LO-2, LO-3, MO-1, MO-2, and GO(A) districts established under this chapter.

(99) OFFICE USES means those uses defined in Section 51A-4.207.

(99.1) OFF-STREET PARKING means parking spaces provided for a motor vehicle that are not located on a public right-of-way or private street. Off-street parking does not include bicycle parking spaces.

(100) OMITTED WALL LINE means a line on the ground determined by a vertical plane from:

(A) the overhang or outermost projection of a structure; or

(B) the outer edge of the roof of a structure without walls; or

(C) two feet inside the eave line of a structure with roof eaves.

(101) OPEN SPACE means an area that is unobstructed to the sky and contains no structures except for ordinary projections of cornices and eaves.

(102) OPENINGS FOR LIGHT OR AIR means any windows, window walls, or glass panels in an exterior wall of a building, excluding doors used for access.

(103) OUTER COURT means an open space bounded on all sides except one by the walls of a building, and opening upon a street, alley or a permanent open space.

(104) OUTSIDE DISPLAY means the placement of a commodity outside for a period of time less than 24 hours.

(104.1) OVERSIZED MOTOR VEHICLE means any motor vehicle:

(A) that is more than 22 feet from end to end, more than eight feet at its widest point, or more than nine feet from the ground to its highest point; or

(B) with two or more rear axles such as trucks, truck tractors, and similar vehicles; or

(C) designed to transport more than 15 passengers including the driver.

(104.2) OVERSIZED TRAILER means any trailer or semi-trailer that is more than 20 feet from end to end, more than eight feet at its widest point, or more than nine feet from the ground to its highest point, excluding boat and recreational vehicle trailers.

(105) "P" DISTRICT means the parking district established under Chapter 51.

(106) "P(A)" DISTRICT means the parking district established under this chapter.

(107) PARKING means the standing of a vehicle, whether occupied or not. Parking does not include the temporary standing of a vehicle when commodities or passengers are being loaded or unloaded.

(108) PARKING DISTRICT means the "P(A)" district established under this chapter.

(109) PARKING BAY WIDTH means the width of one or two rows of parking stalls and the access aisle between them.

(110) PARTY WALL means a wall built on an interior lot line used as a common support for buildings on both lots.

(135) STRUCTURE means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

(136) SUP means “specific use permit” (See Section 51A-4.219).

(137) “TH” DISTRICTS means the TH-1, TH-2, TH-3, and TH-4 districts established under Chapter 51.

(138) “TH(A)” DISTRICTS means the TH-1(A), TH-2(A), and TH-3(A) districts established under this chapter (also called townhouse districts).

(138.1) THOROUGHFARE means a street designated in the city’s thoroughfare plan.

(139) TOWNHOUSE DISTRICTS means the TH-1(A), TH-2(A), and TH-3(A) districts established under this chapter [also called “TH(A)” districts].

(139.1) TRAFFIC ENGINEER means the person designated by the city manager as the traffic engineer of the city, or the traffic engineer’s authorized representative.

(139.2) TRAILER means a vehicle without motive power that is designed or used to carry property or passengers, and is drawn by, or partially rests on, a motor vehicle.

(140) TRANSIENT STAND means a site for the placing and use of a manufactured home, recreational vehicle, or tent.

(140.1) TRANSPARENCY means the total area of window opening, door opening, or other opening, expressed as a percentage of the total facade area by story.

(141) TRANSPORTATION USES means those uses defined in Section 51A-4.211.

(141.1) “UC” DISTRICTS means the UC-1, UC-2, and UC-3 districts established under this chapter (also called “urban corridor districts”).

(141.2) URBAN CORRIDOR DISTRICTS means the UC-1, UC-2, and UC-3 districts established under this chapter (also called “UC” districts). *[Note: Section 1 of Ordinance No. 24718 adds 51A–2.102 (141.2), providing a definition for the term “street level.” Section 4 of Ordinance No. 24718 adds 51A–2.102(141.2), providing a definition for the term “urban corridor districts.”]*

(142) UTILITY AND PUBLIC SERVICE USES means those uses defined in Section 51A-4.212.

(142.1) WALKABLE URBAN MIXED USE DISTRICTS means the WMU-3, WMU-5, WMU-8, WMU-12, WMU-20, and WMU-40 districts established under Article XIII of this chapter.

(142.2) WALKABLE URBAN RESIDENTIAL DISTRICTS means the WR-3, WR-5, WR-8, WR-12, WR-20, and WR-40 districts established under Article XIII of this chapter.

(143) WHOLESALE, DISTRIBUTION, AND STORAGE USES means those uses defined in Section 51A-4.213.

(143.1) WMU DISTRICTS means the WMU-3, WMU-5, WMU-8, WMU-12, WMU-20, and WMU-40 districts established under Article XIII of this chapter (also called “walkable urban mixed use districts”).

(143.2) WR DISTRICTS means the WR-3, WR-5, WR-8, WR-12, WR-20, and WR-40 districts established under Article XIII of this chapter (also called “walkable urban residential districts”).

(144) ZONING DISTRICT means a classification assigned to a particular area of the city within which zoning regulations are uniform.

(145) ZONING DISTRICT MAP means the official map upon which the zoning districts of the city are delineated. (Ord. Nos. 19455; 19786; 19806; 20272; 20360; 20361; 20383; 20411; 20478; 20673; 20902; 20920; 21002; 21186; 21663; 22018; 24163; 24718; 24731; 24843; 25047; 25977; 26286; 26530; 27334; 27495; 27572; 28072; 28073; 28424; 29128; 30239; 30654; 30932; 31607; 32002; 32264; 32659; 32864; 32907)

(D) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(10) Machinery, heavy equipment, or truck sales and service.

~~(A) Definition: A facility for the display, sale, and service of machinery, heavy equipment, or trucks.~~

(A) Definition: A facility for the display, sale, rental, or service of machinery, heavy equipment, oversized motor vehicles, or oversized trailers.

(B) Districts permitted: By right in RR, CS, and industrial districts. RAR required in RR, CS, and industrial districts.

(C) Required off-street parking: One space per 1,000 square feet of sales area (whether inside or outside).

(D) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	100,000

(11) Medical or scientific laboratory.

(A) Definition: A facility for testing and analyzing medical or scientific problems.

(B) Districts permitted: By right in MO(A), GO(A), CS, industrial, central area, MU-2, MU-2(SAH), MU-3, MU-3(SAH), MC-3, and MC-4 districts. By SUP only in LO(A), CR, RR, MU-1, MU-1(SAH), MC-1, MC-2, and urban corridor districts.

(C) Required off-street parking: One space per 300 square feet of floor area.

(D) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(12) Technical school.

(A) Definition: A business enterprise offering instruction and training in trades or crafts such as auto repair, cooking, welding, bricklaying, machinery operation, or other similar trades or crafts.

(B) Districts permitted: By right in CS, industrial, and central area districts.

(C) Required off-street parking: One space per 25 square feet of classroom. Any personal service uses accessory to a technical school must be parked to the personal service use parking requirement.

(D) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(13) Tool or equipment rental.

(A) Definition: A facility for renting tools or equipment.

(B) Districts permitted: By right in CR, RR, CS, industrial, central area, MU-2; MU-2(SAH), MU-3, MU-3(SAH), MC-3, and MC-4 districts.

(C) Required off-street parking: One space per 200 square feet of floor area.

(D) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(14) Vehicle or engine repair or maintenance.

(A) Definition: A facility for the repair, maintenance, or restoration of motor vehicles, motor vehicle engines, electrical motors, or other similar items.

(B) Districts permitted: By right in RR, CS, industrial, and central area districts. RAR required in RR, CS, and IM districts. DIR required in central area districts.

(C) Required off-street parking: One space per 500 square feet of floor area; a minimum of five spaces is required. Parking spaces that are used to repair vehicles and located in a structure are not counted in determining the required parking.

(D) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) If an inoperable or wrecked motor vehicle remains outside on the premises for more than 24 hours, the premises is an outside salvage or reclamation use. However, a premise is not an outside salvage or reclamation use if the premise stores not more than four inoperable or wrecked motor vehicles each of which having a valid state registration, current safety inspection certificate, and documentary record of pending repairs or other disposition, and if the premise has a current certificate of occupancy for a motor vehicle related use. (Ord. Nos. 19455; 19786; 20493; 20902; 21001; 21663; 23910; 24718; 28803; 30890; 32907)

SEC. 51A-4.203. INDUSTRIAL USES.

(a) Potentially incompatible industrial uses.

(1) A “potentially incompatible industrial use” listed in this subsection is permitted by SUP only in the IM district.

(2) The following main uses, activities, operations, and processes are hereby declared to be potentially incompatible industrial uses:

- Asphalt or concrete batching
- Bulk processing, washing, curing, or dyeing of hair, felt, or feathers
- Concrete crushing
- Fat rendering
- Foundries, ferrous or non-ferrous
- Grain milling or processing
- Leather or fur tanning, curing, finishing, or dyeing

(2) Outside sales, outside display of merchandise, and outside storage may be classified as either main or accessory uses. Accessory outside sales, accessory outside display of merchandise, and accessory outside storage are limited to five percent of the lot. If these uses occupy more than five percent of the lot, they are only allowed in districts that permit them as a main use.

(3) In a GO(A) district, a retail and personal service use:

(A) must be contained entirely within a building; and

(B) may not have a floor area that, in combination with the floor areas of other retail and personal service uses in the building, exceeds 10 percent of the total floor area of the building.

(b) Specific uses.

(1) Ambulance service.

(A) Definition: A facility for the housing, maintenance, and dispatch of vehicles designed to transport sick or injured persons to medical facilities.

(B) Districts permitted: By right in CR, RR, CS, central area, MC-3, and MC-4 districts. RAR required in CR, RR, CS, MC-3, and MC-4 districts.

(C) Required off-street parking: One space per 300 square feet of floor area, plus one space per 500 square feet of site area.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 10,000	NONE
10,000 to 60,000	1
Each additional 60,000 or fraction thereof	1 additional

(2) Animal shelter or clinic.

(A) Definition: A facility for the diagnosis, treatment, hospitalization, or harboring of animals including, but not limited to dogs, cats, birds, and horses.

(B) Districts permitted:

(i) Without outside runs: By right in A(A), CR, RR, CS, LI, IR, IM, mixed use, multiple commercial, and urban corridor districts. RAR required in CR, RR, CS, mixed use, and multiple commercial districts.

(ii) With outside runs: By right in CS, LI, IR, and IM districts when located at least 1,000 feet from residential districts; otherwise, by SUP only in the same districts. By SUP only in A(A) and RR districts.

(C) Required off-street parking: One space per 300 square feet of floor area.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 10,000	NONE
10,000 to 60,000	1
Each additional 60,000 or fraction thereof	1 additional

(3) Auto service center.

~~(A) Definition: A facility for the servicing or minor mechanical repair of motor vehicles. This use may include the retail sale of lubricating oils, tires, or parts for use in motor vehicles. This use does not include as its primary function the disassembly, rebuilding, and replacement of motor vehicle engines, transmissions, or other major machinery components, nor auto body repair or painting.~~

(A) Definition: A facility for the servicing or minor repair, maintenance, alteration, upholstering, reupholstering, or inspection of motor vehicles. This use may include the retail sale of lubricating oils, tires, or parts for use in motor vehicles. This use does not include the disassembly, rebuilding, and replacement of motor vehicle engines,

transmissions, or other major machinery components,
nor auto body repair or painting.

~~(ii) The servicing or repair of motor vehicles that weigh more than 6,000 pounds or that have a manufacturer's rated seating capacity of more than 15 persons is not permitted under this use.~~

(ii) The servicing or repair of oversized motor vehicles is not permitted under this use.

(4) Alcoholic beverage establishments.

(A) Definitions:

(i) BAR, LOUNGE, OR TAVERN means an establishment principally for the sale and consumption of alcoholic beverages on the premises that derives 75 percent or more of its gross revenue on a quarterly (three-month) basis from the sale or service of alcoholic beverages, as defined in the Texas Alcoholic Beverage Code, for on-premise consumption.

(ii) MICROBREWERY, MICRO-DISTILLERY, OR WINERY means an establishment for the manufacture, blending, fermentation, processing, and packaging of alcoholic beverages with a floor area of 10,000 square feet or less that takes place wholly inside a building. A facility that only provides tasting or retail sale of alcoholic beverages is not a microbrewery, microdistillery, or winery use.

(iii) PRIVATE-CLUB BAR means an establishment holding a private club permit under Chapter 32 or 33 of the Texas Alcoholic Beverage Code that derives 35 percent or more of its gross revenue from the sale or service of alcoholic beverages for on-premise consumption and that is located within a dry area as defined in Title 6 (Local Option Elections) of the Texas Alcoholic Beverage Code. PRIVATE-CLUB BAR does not include a fraternal or veterans organization, as defined in the Texas Alcoholic Beverage Code, holding a private club permit under Chapter 32 or 33 of the Texas Alcoholic Beverage Code. PRIVATE-CLUB BAR does not include the holder of a food and beverage certificate, as defined in the Texas Alcoholic Beverage Code.

(B) Districts permitted:

(i) Bar, lounge, or tavern and private club-bar. By SUP only in GO(A)*, CR, RR, CS, industrial, central area, mixed use, multiple

commercial, MF-4(A), LO(A), MO(A), UC-2, and UC-3 districts. *Note: This use is subject to restrictions in the GO(A) district. See Subsection (a)(3).

(ii) Microbrewery, micro-distillery, or winery. By right in industrial districts with RAR required. By SUP only in CR, RR, CS, central area, mixed-use, urban corridor, and walkable urban mixed use districts.

(C) Required off-street parking:

(i) Bar, lounge, or tavern and private club-bar.

(aa) Except as otherwise provided, one space per 100 square feet of floor area.

(bb) One space per 500 square feet of floor area used for the manufacture of alcoholic beverages as an accessory use to the bar, lounge, or tavern use.

(ii) Microbrewery, micro-distillery, or winery.

(aa) Except as otherwise provided, one space per 600 square feet of floor area.

(bb) One space per 1,000 square feet of floor area used for storage.

(cc) One space per 100 square feet of floor area used for retail sales and seating.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 5,000	NONE
5,000 to 25,000	1
25,000 to 50,000	2
Each additional 50,000 or fraction thereof	1 additional

(8.1) Commercial motor vehicle parking.

~~(A) Definition: A facility for the temporary, daily, or overnight parking of commercial motor vehicles as defined in the use regulations for a truck stop, and/or motor vehicles with two or more rear axles such as trucks, truck tractors, and similar vehicles; for no charge or for a fee, regardless of whether that fee is charged independently of any other use on the lot, if the parking is not accessory to a main use on the lot.~~

(A) Definition: A facility for the temporary, daily, or overnight parking of oversized motor vehicles primarily designed for the long-distance transportation of cargo, for no charge or for a fee, regardless of whether that fee is charged independently of any other use on the lot, if the parking is not accessory to a main use on the lot.

(B) Districts permitted: By right in CS, LI, IR, and IM districts, except by SUP only if located within 500 feet of a residential district, measured in a straight line, without regard to intervening structures or objects, from the nearest boundary of the lot where this use is conducted to the nearest boundary of the zoning district at issue.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(9) Commercial parking lot or garage.

(A) Definition: A vehicle parking facility that is operated as a business enterprise by charging a fee for parking.

(B) Districts permitted: By right in CR, RR, CS, industrial, central area, mixed use, multiple commercial, and urban corridor districts. RAR required in CR, RR, CS, industrial, mixed use, and multiple commercial districts.

(C) Required off-street parking: None; however, if this use is in the central business district, off-street stacking spaces or passenger unloading zones may need to be provided. For more information regarding off-street parking in the central business district, see Section 51A-4.306.

(D) Required off-street loading: None.

(E) Additional provisions:

~~(i) The parking of vehicles that weigh more than 6,000 pounds or that have a manufacturer's rated seating capacity of more than 15 persons is prohibited under this use in all areas of the city except the central business district.~~

(i) The parking of oversized motor vehicles is prohibited under this use.

(ii) This use must comply with the off-street parking regulations in Divisions 51A-4.300 et seq.

(iii) If located in the CA-1(A) district, this use must comply with the regulations in Section 51A-4.124(a)(9).

(9.1) Convenience store with drive-through.

(A) Definition: A business that is primarily engaged in the retail sale of convenience goods, or both convenience goods and gasoline, that has drive-in or drive-through service and has less than 10,000 square feet of floor area. For purposes of this definition, CONVENIENCE GOODS means food, beverage, household, personal care, and pharmaceutical items. A gasoline pump is not considered a drive-in or drive-through service.

(B) Districts permitted: By SUP only in CR, RR, CS, IR, IM, MU-2, MU-3, and multiple commercial districts.

(C) Required off-street parking: One space per 200 square feet of floor area.

(D) Required off-street loading: One space.

(E) Additional provisions:

(i) A minimum of two stacking spaces must be provided. See Section 51A-4.304 for more information regarding off-street stacking spaces generally.

(ii) The outside sale, display, or storage of furniture is permitted if the furniture is:

(aa) customarily used outside;

and

CR district. RAR required in RR, CS, and industrial districts.

(C) Required off-street parking: One space per 275 square feet of retail floor area, plus one space per 1,000 square feet of site area exclusive of parking area.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) In all districts except the CR district, accessory outside sales, accessory outside display of merchandise, and accessory outside storage may individually occupy more than five percent of the lot, but may collectively occupy no more than 25 percent of the lot. In the CR district, these accessory uses may collectively occupy no more than five percent of the lot.

(ii) See Section 51A-4.605 for design standards applicable to uses of 100,000 square feet or more.

(16) Household equipment and appliance repair.

(A) Definition: A facility for the repair of household and home equipment, including appliances, lawnmowers, power tools, and similar items.

(B) Districts permitted: By right in CR, RR, CS, industrial, central area, MU-2, MU-2(SAH), MU-3, MU-3(SAH), MC-2, MC-3, MC-4, and urban corridor districts.

(C) Required off-street parking: One space per 200 square feet of floor area.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 10,000	NONE
10,000 to 60,000	1
Each additional 60,000 or fraction thereof	1 additional

(16.1) Liquefied natural gas fueling station.

~~(A) Definitions: In this paragraph:~~

~~(i) COMMERCIAL MOTOR VEHICLE means a motor vehicle that:~~

~~(aa) is designed or used for the transportation of cargo;~~

~~(bb) has a gross weight, registered weight, or gross weight rating in excess of 26,000 pounds; and~~

~~(cc) is not owned or operated by a governmental entity.~~

~~(ii) LIQUEFIED NATURAL GAS FUELING STATION means a facility for the retail sale of liquefied natural gas from pumps to commercial motor vehicles.~~

(A) Definition: A facility for the retail sale of liquefied natural gas from pumps to oversized motor vehicles.

(B) Districts permitted:

(i) By right in LI, IR, and IM districts, but SUP required if the use has more than four fuel pumps or is within 1,000 feet of a residential zoning district or a planned development district that allows residential uses.

(ii) By SUP in only in the CS district.

(C) Required off-street parking: None.

(D) Required off-street loading: One space.

(E) Additional provisions:

(i) Off-street parking and loading requirements for this use may be satisfied by using existing parking and loading spaces for other uses located within 500 feet of the temporary retail use, or by providing temporary parking and loading spaces that do not strictly comply with the construction and maintenance provisions for off-street parking and loading in this chapter. The operator of this use has the burden of demonstrating to the satisfaction of the building official that temporary off-street parking or loading spaces:

(aa) are adequately designed to accommodate the parking and loading needs of the temporary retail use; and

(bb) will not adversely affect surrounding uses.

(ii) The building official shall issue a temporary certificate of occupancy for a period of 60 days for a temporary retail use. The building official may grant one 30-day extension of the temporary certificate of occupancy if the use has fully complied with all applicable city ordinances. No more than one temporary certificate of occupancy may be issued for a temporary retail use at the same location within a 12-month period.

(30) Theater.

(A) Definition: A facility for showing motion pictures or staging theatrical performances to an audience inside an enclosed structure.

(B) Districts permitted: By right in CR, RR, CS, industrial, central area, mixed use, multiple commercial, and urban corridor districts. In urban corridor districts, DIR required and this use is limited to a theater with less than 1,000 seats. By SUP only in MF-4, MO(A), and GO(A)* districts. *Note: This use is subject to restrictions in the GO(A) district. See Subsection (a)(3).

(C) Required off-street parking: One space per 28 square feet of seating area.

(D) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 10,000	NONE
10,000 to 60,000	1
Each additional 60,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) The sale or service of food or drinks is permitted as a limited accessory use.

(ii) This use may include service of food or drink to the audience within the main auditorium.

(iii) The sale and service of alcoholic beverages in conjunction with the operation of this use may be prohibited if this use is located in a liquor control overlay district. See Section 51A-4.503.

(30.1) Truck stop.

~~(A) Definitions: In these use regulations:~~

~~(i) COMMERCIAL MOTOR VEHICLE means a motor vehicle that:~~

~~(aa) is designed or used for the transportation of cargo;~~

~~(bb) has a gross weight, registered weight, or gross weight rating in excess of 26,000 pounds; and~~

~~(cc) is not owned or operated by a governmental entity.~~

~~(ii) TRUCK STOP means a facility for the retail sale of motor vehicle fuel dispensed from pumps to commercial motor vehicles.~~

(A) Definition: A facility for the retail sale of motor vehicle fuel dispensed from pumps or electric vehicle charging stations for oversized vehicles.

(B) Districts permitted: By SUP only in CS, LI, IM, and IR districts.

(C) Required off-street parking: Two spaces.

(D) Required off-street loading: Sufficient space must be provided to allow for the unloading of a fuel truck.

(E) Additional provisions:

(i) Except for above-ground storage tanks used in connection with liquefied natural gas fueling facilities, and compression cylinder tanks used in connection with compressed natural gas fueling facilities, all storage tanks for motor vehicle fuel must be located underground.

(ii) A fuel pump island must be constructed in a manner that allows vehicular access adjacent to the island without interfering with or obstructing off-street parking. The building official shall not issue a permit to authorize the construction of a pump island until its placement has been approved by the director.

(iii) A truck stop is always a main use, and cannot be an accessory use within the meaning of Section 51A-4.217. Other than accessory parking, any other use on the same lot is considered an additional main use, such as on-site restaurants, cleaning facilities, and repair services.

(iv) Fuel pumps must be located at least 18 feet from the boundary of the site.

(v) Compression cylinder tanks used in connection with compressed natural gas fueling facilities must be screened from adjacent streets, alleys, and residential uses.

(vi) Except as provided in Item (vii), liquefied natural gas storage tanks are only permitted if approved as part of the specific use permit process.

(vii) For the purposes of Section 51A-4.704, adding liquefied natural gas fueling facilities to a nonconforming truck stop is not the enlargement of a nonconforming use.

(viii) No signage is permitted on liquefied natural gas storage tanks except for required safety signage.

(31) Vehicle display, sales, and service.

~~(A) Definition: A facility for the display, service, and retail sale of new or used automobiles, boats, trucks, motorcycles, motor scooters, recreational vehicles, or trailers.~~

(A) Definition: A facility for the display, service, rental, or retail sale of new or used automobiles, boats, trucks, motorcycles, motor scooters, recreational vehicles, or trailers excluding oversized motor vehicles and oversized trailers.

(B) Districts permitted: By right in RR, CS, and industrial districts. By SUP only in central area districts. RAR required in RR, CS, and industrial districts.

(C) Required off-street parking: One space per 500 square feet of floor and site area exclusive of parking area.

(D) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 10,000	NONE
10,000 to 60,000	1
Each additional 60,000 or fraction thereof	1 additional

(E) Additional provisions:

~~(i) The weight of each vehicle displayed or sold under this use may not exceed 6,000 pounds.~~

(i) Outside display and storage of new or used vehicles for sale is permitted under this use without visual screening.

(ii) New or used vehicles for sale may be displayed or stored in the required front yard under this use.

(iii) If an inoperable or wrecked motor vehicle remains outside on the premises for more than 24 hours, the premises is an outside salvage or reclamation use. However, a premise is not an outside salvage or reclamation use if the premise stores not more than four inoperable or wrecked motor vehicles each of which having a valid state registration, current safety inspection certificate, and documentary record of pending repairs or other disposition, and if the premise has a current certificate of occupancy for a motor vehicle related use. (Ord. Nos. 19455; 19786; 19810; 19928; 20242; 20237; 20257; 20272; 20273; 20425; 20493; 20494; 20895; 21001; 21200; 21209; 21259; 21289; 21291; 21400; 21659; 21663; 21697; 21735; 21796; 21960; 22020; 22204; 22531; 22995; 23739; 24439; 24659; 24718; 24759; 25047; 25056; 25785; 26269; 26513; 26746; 27563; 28073; 28079; 28700; 28737; 28803; 30477; 30890; 32441; 32907)

SEC. 51A-4.211. TRANSPORTATION USES.

(1) Airport or landing field.

(A) Definition: A facility for the landing of fixed or rotary wing aircraft.

(B) Districts permitted: By SUP only in IR and IM districts.

(C) Required off-street parking: One space per 200 square feet of terminal building floor area.

(D) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(i) A minimum of 60 acres is required for this use.

(ii) This use must be approved by the city aviation department.

(iii) This use is subject to the Federal Aviation Administration’s rules and regulations.

(2) Commercial bus station and terminal.

(A) Definition: A facility operated as a bus or shuttle passenger station or transfer center serving a privately owned transit operation. For purposes of this paragraph:

(i) Bus means a motor vehicle that has a manufacturer’s rated seating capacity of more than 15 passengers, and is used for the transportation of persons from a location in the city to another location either inside or outside the city.

(ii) Shuttle means a van-type motor vehicle that has a manufacturer’s rated seating capacity of not less than seven passengers and not more than 15 passengers, and is used for the transportation of persons from a location in the city to another location either inside or outside the city.

(B) Districts permitted:

(i) Except as otherwise provided in Subparagraph (B)(ii), by right in RR, CS, LL, IR, IM, and central area districts.

(ii) By SUP only in the CS district when:

(aa) the facility operates with a bus; or

(bb) the facility operates with a shuttle within 500 feet of a residential district.

(iii) DIR required in RR and central area districts, and the CS district when an SUP is not required. RAR required in industrial districts.

(6) Accessory outside storage.

(A) Definitions:

~~_____ (i) ACCESSORY OUTSIDE STORAGE means the outside placement of an item for a continuous period in excess of 24 hours. Outside placement includes storage in a structure that is open or not entirely enclosed.~~

(i) ACCESSORY OUTSIDE STORAGE means the outside placement of an item for a continuous period in excess of 24 hours. Outside placement includes storage in a structure that is open or not entirely enclosed, or that is located on an unenclosed porch of a building.

(ii) BOOK EXCHANGE STRUCTURE means an enclosed structure that holds books or other literary materials to be shared or exchanged in a pedestrian accessible location constructed and maintained by the owner of the property.

(B) District restrictions: This accessory use is not permitted in the P(A) district.

(C) Required off street parking: None.

(D) Required off street loading: None.

(E) Additional provisions:

~~_____ (i) A person shall not place, store, or maintain outside, for a continuous period in excess of 24 hours, an item which is not:~~

(i) Accessory outside storage is not permitted unless the item is:

(aa) customarily used or stored outside; or

(bb) made of a material that is resistant to damage or deterioration from exposure to the outside environment.

~~_____ (ii) For purposes of this subsection, an item located on a porch of a building is considered to be outside if the porch is not enclosed.~~

~~_____ (iii) Except as otherwise provided in this subsection, accessory outside storage is not permitted in the primary yard or on a front porch of a residential building. In this subsection, "primary yard"~~

means the portion of a lot or tract which abuts a street and extends across the width of the lot or tract between the street and the main building.

~~_____ (iv) It is a defense to prosecution under Subsection (E)(iii) that the item is:~~

~~_____ (aa) an operable motor vehicle with valid state registration parked on a surface that meets the standards for parking surfaces contained in the off-street parking regulations of this chapter, except that this defense is not available if the vehicle is a truck tractor, truck, bus, or recreational vehicle and it has a rated capacity in excess of one and one-half tons according to the manufacturer's classification, or if the vehicle is over 32 feet in length;~~

~~_____ (bb) a boat, trailer, or recreational vehicle parked on a surface that meets the standards for parking surfaces contained in the off-street parking regulations of this chapter, and the item cannot reasonably be placed in an area behind the primary yard;~~

~~_____ (cc) landscaping, or an ornamental structure, including, but not limited to a birdbath, plant container, or statuette, placed in the primary yard or on the front porch for landscaping purposes;~~

(ii) Accessory outside storage is not permitted in the area between any street and the main building and extending across the width of the lot or tract, or on a front porch of a residential building, unless it is:

(aa) an operable motor vehicle with valid state registration parked on a surface that meets the standards for parking surfaces contained in the off-street parking regulations of this chapter and is not an oversized motor vehicle;

(bb) a boat, trailer that is not an oversized trailer, or recreational vehicle, that is parked on a surface that meets the standards for parking surfaces contained in the off-street parking regulations of this chapter, and the item cannot reasonably be placed in an outside area behind the street-facing building facade;

(cc) landscaping, or an ornamental structure, including, but not limited to a birdbath, plant container, or statuette, placed outside for landscaping purposes;

(dd) lawn furniture or a book exchange structure made of a material that is resistant to damage or deterioration from exposure to the outside environment;

(ee) located on a front porch and not visible from the street; or

(ff) a vehicle displaying a registration insignia or identification card issued by the state to a permanently or temporarily disabled person for purposes of Section 681.006 of the Texas Transportation Code.

(iii) A person shall not use more than five percent of the lot area of a premise for accessory outside storage. The area occupied by an operable motor vehicle with valid state registration is not counted when calculating the area occupied by accessory outside storage. Except as otherwise provided in this article, outside storage is considered to be a separate main use if it occupies more than five percent of the lot.

~~_____ (vi) The board may grant a special exception to the additional provisions of this subsection relating to accessory outside storage in the primary yard or on a front porch of a residential building when, in the opinion of the board, the special exception will not adversely affect neighboring property.~~

(iv) The board may grant a special exception to the additional provisions in Romanette (ii) when, in the opinion of the board, the special exception will not adversely affect neighboring property.

(6.1) Accessory pathological waste incinerator.

(A) Definition: A facility used to incinerate organic human or animal waste, including:

(i) Human materials removed during surgery, labor and delivery, autopsy, or biopsy, including body parts, tissues or fetuses, organs, and bulk blood and body fluids.

(ii) Products of spontaneous human abortions, regardless of the period of gestation, including body parts, tissue, fetuses, organs, and bulk blood and body fluids.

(B) District restrictions: This accessory use is not permitted in the P(A) district.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) This use must comply with the regulations in Chapter 45.

(ii) This use may only operate in conjunction with a valid certificate of occupancy for a permitted main use. This use is not allowed in conjunction with single family, duplex, townhouse, or handicapped group dwelling unit.

~~(iii) Except at the Kay Bailey Hutchison Convention Center and other city-owned and city-leased facilities, this accessory use may not operate within 0.5 mile of the central business district. The Office of Homeless Solutions and the Office of Emergency Management shall brief a city council committee on this provision by May 24, 2025.~~

(iii) Except at the Kay Bailey Hutchison Convention Center and other city-owned and city-leased facilities, this accessory use may not operate within 0.5 mile of the central business district. The Office of Homeless Solutions and the Office of Emergency Management and Crisis Response shall brief a city council committee on this provision by May 24, 2025.

(iv) The area restrictions in Subsection (a)(3) do not apply to this use.

(12) Pedestrian skybridges.

(A) Definition: Use of a structure constructed above grade primarily to allow pedestrians to cross a city right-of-way. A pedestrian skybridge use does not include use of a structure constructed primarily for automobiles.

(B) Purpose. The purpose of this section is to promote the health, safety, and general welfare of persons and property within the city by providing for the structural integrity of pedestrian skybridges over public right-of-ways; preventing visual obstruction of public right-of-ways and urban landscapes; facilitating the flow of traffic; encouraging use of public skybridges by pedestrians through well designed additions to the

existing pedestrian system; minimizing the negative impact of pedestrian skybridges on adjoining properties, communication and utility company facilities, and public street lighting and safety facilities; and establishing standards for construction and maintenance of pedestrian skybridges.

(C) Districts permitted. A pedestrian skybridge is permitted in any district by SUP. An SUP is required for pedestrian skybridges in planned development (PD) districts. A license or abandonment from the city of Dallas is also required to cross a city right-of-way. Provisions concerning licenses for use of the public right-of-way are contained in Chapter 43, "Streets and Sidewalks," of the Dallas City Code. Provisions concerning abandonment of the public right-of-way are contained in Chapter 2, "Administration," of the Dallas City Code.

(D) Application. An application for an SUP for a pedestrian skybridge must contain a statement outlining the need for the pedestrian skybridge and how the pedestrian skybridge will enhance the welfare of the area of request and adjacent properties.

(E) Specific use permit procedure. The provisions concerning specific use permits contained in Section 51A-4.219 apply except as modified by this subsection.

(i) Notification. The director shall send written notice of a public hearing on an application for an SUP for a pedestrian skybridge to all owners of real property lying within 750 feet of the properties on which the skybridge will be located.

(ii) Protest. For purposes of the protest provisions, the area of request is the properties on which the skybridge will be located.

(iii) Residential adjacency. An SUP for a pedestrian skybridge must be approved by the affirmative vote of three-fourths of all members of the city council if the pedestrian skybridge is within 750 feet of a residential zoning district or planned development district that allows residential uses or is sited within a planned development district that is adjacent to residential districts.

(xix) The applicant must post bond for the estimated cost to the city to remove the pedestrian skybridge if it becomes a public nuisance.

(xx) Skybridges may be placed in the required front, side, or rear yard.

(G) Recommended pedestrian skybridge standards. Pedestrian skybridges are recommended to be constructed and maintained in accordance with the following guidelines:

(i) Pedestrian skybridges which are open to the public should penetrate the second story of the adjoining structures, or, if not possible, as close as possible to the street level.

(ii) Pedestrian skybridges should penetrate the adjoining structures as closely as possible to escalators or elevators having access to the entire structure and the street.

(iii) Free-standing pedestrian skybridges and pedestrian skybridges connected to structures without air conditioning should have a roof, wind breaks, and adequate ventilation that maximize the comfort and safety of pedestrians. A pedestrian skybridge should be open only when the adjoining structures are open.

(iv) If the length of the pedestrian skybridge exceeds 250 feet, the passageway should be interrupted by interior visual breaks, such as turns, courts, or plazas.

(v) Primary lighting sources should be recessed and indirect. Accent lighting is encouraged. Natural lighting should be used in addition to artificial lighting.

(vi) The pedestrian skybridge should be designed so as to coordinate with the adjoining structures to the extent possible. Where coordination is not possible, the pedestrian skybridge should be of a neutral color, such as brown or grey.

(vii) At least 70 percent of the side walls should be open, or glass or transparent material

with a light transmission of not less than 36 percent and a luminous reflectance of not more than six percent. "Light transmission" means the ratio of the amount of total light to pass through the material to the amount of total light falling on the material and any glazing. "Luminous reflectance" means the ratio of the amount of total light that is reflected outward by a material to the amount of total light falling on the material.

(H) Waiver. The city council may, by a three-fourths vote, grant a waiver to the pedestrian skybridge standards contained in this paragraph if the council finds that:

(i) strict compliance with the requirements will unreasonably burden the use of either of the properties;

(ii) the waiver will not adversely affect neighboring property;

(iii) the waiver will not be contrary to the public interest; and

(iv) the waiver will not be contrary to the public health, safety, or welfare.

(I) Compliance regulations. Pedestrian skybridge uses are not subject to the compliance regulations contained in Section 51A-4.704. (Ord. Nos. 19455; 19786; 20411; 20478; 20845; 21001; 21002; 21289; 21454; 21663; 21735; 22004; 22204; 22392; 23012; 23031; 23258; 24205; 24718; 24843; 24899; 24915; 26334; 26746; 28021; 28700; 28737; 28803; 29024; 30257; 30894; 31041; 31607; 31705; 32441; 32465; 32659; 32864; 32907)

SEC. 51A-4.218. LIMITED USES.

(a) A limited use must be contained entirely within a building and be primarily for the service of the occupants of the building.

(b) A limited use may not have a floor area that in combination with the floor areas of other limited uses in the building exceeds 10 percent of the floor area of the building.

(C) provide any other information necessary to aid the applicant in the preparation of the site plan application.

(4) Application for site plan approval. An applicant for site plan approval shall submit to the director:

(A) a site plan application in the form prescribed by the director that contains at least the following information:

(i) The applicant’s name and address and his ownership interest in the property proposed for development.

(ii) The signatures of all owners of the property proposed for development.

(iii) The size of the parcel proposed for development, its street address, and a legal description of the property.

(iv) A statement setting forth the current uses of the property and plans for future development;

(B) ten copies of the site plan and one 8-1/2 x 11 inch clear transparency of the site plan;

(C) copies of legal instruments guaranteeing the availability of remote off-street parking and the mode of transportation to serve that parking, and copies of any restrictive covenants that are to be recorded with respect to the institutional uses; and

(D) a site plan fee.

(5) Site plan. The applicant shall provide a site plan drawn to a scale not less than 100 feet to the inch or to a scale specified by the director, on a sheet of paper no larger than two feet by three feet. The site plan must depict the following for a complete review of the proposed development:

(A) The boundary lines and dimensions of the property, existing subdivision lots, available utilities, easements, roadways, rail lines, and public rights-of-way that cross or are adjacent to the property.

(B) Topography of the property proposed for development in contours of not less than five feet, together with any proposed grade elevations, if different from existing elevations.

(C) Flood plains, water courses, marshes, drainage areas, and other significant environmental features including, but not limited to, rock outcroppings and major tree groupings.

(D) The location and use of all existing and proposed buildings or structures.

(E) Total number and location of off-street parking and loading spaces.

(F) All points of vehicular ingress and egress and circulation within the property.

(G) Setbacks, lot coverage, and when relevant, the relationship of the setbacks provided and the height of any existing or proposed building or structure.

(H) The location, size, and arrangement of all outdoor signs and lighting.

(I) The type, location, and quantity of all plant material used for landscaping, and the type, location, and height of fences or screening and the plantings around them.

(J) Location, designation, and total area of all usable open space and any proposed improvements to the open space.

(K) Land uses and zoning districts contiguous to the property.

(L) Any other information the director determines necessary for a complete review of the proposed development.

~~————(6) Departmental review. The director shall forward the information to the department of development services, public works, sanitation services, water utilities, and code compliance, and to any other appropriate departments. Within 30 days following receipt of a completed application for site plan approval, or for a longer time agreed to by the~~

~~applicant, the departments shall review the proposed development and forward their comments, if any, in writing to the director. Upon conclusion of the departmental review, the director shall forward to the commission the application for site plan approval and the written information provided by the departments.~~

~~(A) The directors of the departments of public works, transportation, and water utilities shall prepare a written statement evaluating the impact of the proposed institutional uses on public facilities including sewers, water utilities, and streets.~~

(6) Departmental review. The director shall forward the information to the department of planning and development, transportation and public works, sanitation services, water utilities, and code compliance, and to any other appropriate departments. Within 30 days following receipt of a completed application for site plan approval, or for a longer time agreed to by the applicant, the departments shall review the proposed development and forward their comments, if any, in writing to the director. Upon conclusion of the departmental review, the director shall forward to the commission the application for site plan approval and the written information provided by the departments.

(A) The directors of the departments of transportation and public works and water utilities shall prepare a written statement evaluating the impact of the proposed institutional uses on public facilities including sewers, water utilities, and streets.

(B) The director of water utilities shall prepare a written statement describing any known drainage or topography problems.

(7) Conferences and modifications during review. If the application for site plan approval meets one or more of the standards for site plan disapproval, and the director and the applicant meet to discuss the application for site plan approval, the director may accept an amended application for site plan approval.

(8) City plan commission review. The commission shall review the application for site plan approval and render its decision within 21 days from the date of referral by the director, or for a longer time that has been agreed to by the applicant. The commission shall review the application for site plan approval and may approve the application, disapprove the application, or approve the application subject to specified conditions and modifications that are permanently marked on the site plan or made a part of the site plan conditions.

(9) Standards for site plan disapproval. The commission may disapprove an application for site plan approval upon findings of fact based on one or more of the following standards:

(A) The application for site plan approval is incomplete or contains violations of this chapter or other applicable regulations, and the applicant, after written request from the director, has failed to supply the additional information or correct the violation.

(B) The proposed site plan interferes with or is in conflict with a right-of-way, easement, or any approved plan such as a thoroughfare plan or transit plan.

(C) The proposed site plan destroys, damages, or interferes with significant natural, topographic, or physical features of the site that are determined significant by the commission.

(D) The proposed site plan is incompatible with adjacent land use and detrimental to the enjoyment of surrounding property in that the proposed development would create noise above the ambient level, substantially increase traffic, or fail to provide adequate buffers.

(E) The points of egress and ingress or the internal circulation of traffic within the site creates a traffic hazard, either on or off the site.

(F) The proposed site plan creates drainage or erosion problems to the site or adjacent property.

(10) City council appeal. An applicant may appeal to city council the decision of the commission concerning an application for site plan approval by filing a written request with the director within ten days of the action of the commission.

(11) Amendment. A site plan may be amended by following the same procedure as required in this section. (Ord. Nos. 19455; 19786; 20920; 21044; 22026; 23694; 25047; 28073; 28424; 30239; 30654; 30994; 32002; 32864)

(A) signed by the owner(s) of the lot(s) affected by the affordable housing instrument and by all lienholders, other than taxing entities, that have an interest in lot(s) or an improvement on the lot(s);

~~_____ (B) approved by the director of housing and neighborhood services;~~

(B) approved by the director of housing and community development;

(C) approved as to form by the city attorney; and

(D) filed and made a part of the deed records of the county or counties in which the lots are located;

(8) state that the owner agrees to comply with all the requirements of this division, including the submission of an annual report and full cooperation with audits of the affordable housing program conducted by the city;

(9) state that it may be enforced by the city of Dallas;

(10) state that it shall be governed by the laws of the State of Texas; and

~~_____ (11) be approved by the director of housing and neighborhood services and approved as to form by city attorney.~~

~~_____ (b) Instrument must be filed. A true and correct copy of the approved affordable housing instrument must be filed in the deed records of the county or counties in which the lots affected are located. The instrument shall not be considered effective until it is filed in the deed records in accordance with this section. After the instrument is filed in the deed records, two file-marked copies of the instrument must be filed with the director of housing and neighborhood services.~~

(11) be approved by the director of housing and community development and approved as to form by city attorney.

(b) Instrument must be filed. A true and correct copy of the approved affordable housing instrument must be filed in the deed records of the county or counties in which the lots affected are located. The instrument shall not be considered effective until it is filed in the deed records in accordance with this section. After the instrument is filed in the deed records, two file-marked copies of the instrument must be filed with

the director of housing and community development.

(c) Termination or amendment of instrument. A recorded affordable housing instrument may be terminated or amended to reduce the number of SAH units on a lot if a corresponding number of SAH units are provided on one or more other lots. An instrument terminating or amending a recorded affordable housing instrument must be:

(1) signed by the owner of the lot(s) affected by the affordable housing instrument and by all lienholders, other than taxing entities, that have an interest in the lot(s) or of an improvement on the lot(s);

~~_____ (2) approved by the director of housing and neighborhood services as to compliance with this division;~~

(2) approved by the director of housing and community development as to compliance with this division;

(3) approved as to form by the city attorney; and

(4) filed and made a part of the deed records of the county or counties in which the lot(s) are located by the owner of the lot(s).

~~The director of housing and neighborhood services shall not approve a termination or amendment that would cause the total number of SAH units to be reduced below the number required under this division, or that would otherwise cause this division to be violated.~~

The director of housing and community development shall not approve a termination or amendment that would cause the total number of SAH units to be reduced below the number required under this division, or that would otherwise cause this division to be violated. (Ord. Nos. 21663; 32864)

SEC. 51A-4.909.

OPERATION OF AFFORDABLE HOUSING PROGRAM.

(a) A certificate of occupancy may not be issued for a dwelling unit permitted because of an SAH unit approved by the director until a certificate of occupancy has been issued for the SAH unit; however, these certificates of occupancy may be issued simultaneously.

~~—(d) The director of housing and neighborhood services shall randomly, regularly, and periodically select a sample of families occupying SAH units for the purpose of income verification. Any information received pursuant to this subsection shall remain confidential and shall be used only for the purpose of verifying income in order to determine eligibility for occupation of the SAH units. All prospective tenants of an SAH unit must agree to provide or to allow the director to obtain sufficient information to enable income verification as contemplated in this subsection as a condition to leasing the unit. A person commits an offense if he or she, with the intent to lease or occupy an SAH unit, misrepresents the gross annual family income of its tenant or prospective tenant to the lessor or the city of Dallas with knowledge of its falsity. A person who commits the offense described in this subsection shall be guilty of a separate offense for each day or portion of a day that the unit is leased or occupied based on the misrepresentation.~~

(d) The director of housing and community development shall randomly, regularly, and periodically select a sample of families occupying SAH units for the purpose of income verification. Any information received pursuant to this subsection shall remain confidential and shall be used only for the purpose of verifying income in order to determine eligibility for occupation of the SAH units. All prospective tenants of an SAH unit must agree to provide or to allow the director to obtain sufficient information to enable income verification as contemplated in this subsection as a condition to leasing the unit. A person commits an offense if he or she, with the intent to lease or occupy an SAH unit, misrepresents the gross annual family income of its tenant or prospective tenant to the lessor or the city of Dallas with knowledge of its falsity. A person who commits the offense described in this subsection shall be guilty of a separate offense for each day or portion of a day that the unit is leased or occupied based on the misrepresentation.

(e) Annual report. Each owner of property subject to an approved affordable housing instrument shall submit a written report on June 30 of each year to the director that demonstrates compliance with the affordable housing instrument and this division. Each report must include:

(1) a list of SAH units currently leased, including the names and annual family incomes of the tenants;

(2) a list of the SAH units currently offered

for lease;

(3) the total number of dwelling units (SAH or otherwise) currently offered for lease;

(4) a list of all lower income families currently seeking to lease one or more dwelling units on the property; and

(5) any other reasonable and pertinent information the director determines to be necessary to demonstrate compliance with the affordable housing instrument and this division.

(f) Family equivalence. The families that reside in SAH units must have similar numbers and ages of members as the other families on that lot. (Ord. Nos. 21663; 32864)

SEC. 51A-4.910. ALTERNATIVE WAYS TO SATISFY SAH UNIT OBLIGATION.

(a) In-lieu payment.

(1) In general. A property owner may reduce the number of SAH units required to obtain a density bonus by making an in-lieu payment into a special city account, to be known as the Housing Production Trust Fund, for development of SAH units in non-minority concentrated areas of the city. The amount of the payment required is calculated by multiplying the cost of constructing the multifamily dwelling unit [See Paragraph (2) below] required by the number of units of that size that will not be required by reason of the payment. The entire payment must be made to the director before issuance of any required permit.

(2) Cost of constructing multifamily dwelling units. Until January 2, 1995, the cost of constructing a multifamily dwelling unit is as shown:

<u>NUMBER OF BEDROOMS IN UNIT</u>	<u>COST PER UNIT</u>
1	\$35,000
2	45,000
3	55,000
4	60,000

On January 2, 1995, and on January 2 of each odd-numbered year thereafter, the director shall determine

(b) Provision of single family uses. It is assumed that all SAH units provided will be multifamily uses. A property owner may, however, reduce the number of SAH units required to obtain a density bonus by providing one or more single family uses as SAH units in accordance with this subsection and Sections 51A-4.901 through 51A-4.909. The provision of a single family use reduces the number of multifamily bedrooms required as shown:

NUMBER OF BEDROOMS IN THE SINGLE FAMILY USE PROVIDED ("SIZE")	REDUCTION IN NUMBER OF MULTIFAMILY BEDROOMS REQUIRED
1	2
2	3
3	4
4	5

The number of multifamily bedrooms required to obtain a density bonus if a person provides one or more single family uses is calculated as follows. First, determine the number of each size of single family use provided. (For example, a person may provide two two-bedroom and three four-bedroom single family uses as SAH units.) Then, multiply the number of each size of single family use provided by the number of multifamily bedrooms that will not be required by reason of the provision of those single family uses. Next, add these numbers to determine the total number of multifamily bedrooms that will not be required. (In the above example, 21 multifamily bedrooms would not be required because of the provision of the single family uses.) This number is then subtracted from the total number of bedrooms of SAH units that would otherwise be required by Section 51A-4.906(b)(4) to obtain the density bonus. The result is then broken down into the number of different sizes of SAH units required by Section 51A-4.906(b)(4) to obtain the density bonus. (Ord. 21663)

Division 51A-4.1000. Park Land Dedication.

SEC. 51A-4.1001. PURPOSE.

Dedication of park land provides new residents and visitors with recreational amenities and green infrastructure consistent with the current level of park services for existing residents. (Ord. 30934, eff. 7/1/19)

SEC. 51A-4.1002. APPLICABILITY.

(a) In general. Except as provided in this section, park land dedication requirements apply to:

- (1) a single family or duplex residential plat or building permit for new construction; and
- (2) a development plan or building permit that includes multifamily residential units or a hotel or motel use.

(b) Exceptions. These regulations do not apply to:

- (1) plats, replats, or issuance of building permits for new construction on land owned by a governmental unit; and
- (2) developments in planned development districts, existing on July 1, 2019, with open space or park land requirements.

~~(c) Waivers. Only developments that are enrolled in a program administered by the housing and neighborhood revitalization department and authorized by the city council, that furthers the public purposes of the city's housing policy may be eligible to have some or all of these requirements waived.~~

(c) Waivers. Only developments that are enrolled in a program administered by the housing and community development department and authorized by the city council, that furthers the public purposes of the city's housing policy may be eligible to have some or all of these requirements waived. (Ord. Nos. 30934, eff. 7/1/19; 32864)

SEC. 51A-4.1003. DEFINITIONS AND INTERPRETATIONS.

(a) Definitions. In this division:

(3) Type Three developments are located in planned development districts that reference compliance with this division and expressly reference compliance with Section 51A-4.1106(f). If there is a conflict between the standards in a planned development district and this division, the planned development district conditions control.

(b) Market value analysis. Specific development bonus applicability is further determined based on the location of the development in a specific market value analysis category.

(c) Residential uses. To be eligible for development bonuses under this division, developments must include multifamily or retirement housing uses. (Ord. Nos. 31152; 32210)

SEC. 51A-4.1103. DEFINITIONS AND INTERPRETATIONS.

(a) Definitions. In this division:

(1) AFFORDABLE RENT means affordable rent as defined in Section 20A- 24(2).

(2) AFFIRMATIVE FAIR HOUSING MARKETING means a marketing strategy designed to attract renters of all majority and minority groups, regardless of race, color, national origin, religion, sex, age, disability, or other protected class under Title VIII of the Civil Rights Act of 1964 and all related regulations, executive orders, and directives.

(3) AREA MEDIAN FAMILY INCOME (“AMFI”) means the median income for the Dallas Area Standard Metropolitan Statistical Area, adjusted for family size, as determined annually by the U.S. Department of Housing and Urban Development.

(4) ELIGIBLE HOUSEHOLDS means households with an income within the required income band or voucher holders regardless of income.

(5) EXISTING BUILDING means a building constructed on or before December 31, 2021.

(6) INCOME means income as defined by 24 CFR §5.609.

(7) INCOME BAND means the range of household incomes between a pre-determined upper limit and a pre-determined lower limit generally stated in terms of a percentage of area median family income adjusted for family size (income bands descriptions are located in Chapter 20A).

(8) MARKET VALUE ANALYSIS (“MVA”) means the official study that was commissioned by and prepared for the City of Dallas to assist residents and policy-makers in understanding the elements of their local residential real estate markets.

(9) MIXED INCOME HOUSING DEVELOPMENT BONUS program (MIHDB) means the Mixed Income Housing Development Bonus program as described in the Comprehensive Housing Policy.

(10) MIXED-INCOME RESTRICTIVE COVENANT means a covenant running with the land that meets the requirements of this division and Chapter 20A.

(11) OWNER means the entity or person using the development bonus as well as all other owners or operators of the development during the rental affordability period.

(12) PASSENGER LOADING ZONE means a space that is reserved for the exclusive use of vehicles during the loading or unloading of passengers. A passenger loading zone is not a taxicab stand for purposes of Section 28-101, "Restricted Use of Bus Stops and Taxicab Stands."

~~(13) PEDESTRIAN SCALE LIGHTING means lighting that emanates from a source that is no more than 14 feet above the grade of the sidewalk or an equivalent pedestrian light fixture approved by the director of transportation.~~

(13) PEDESTRIAN SCALE LIGHTING means lighting that emanates from a source that is no more than 14 feet above the grade of the sidewalk or an equivalent pedestrian light fixture approved by the director of transportation and public works.

(14) RENTAL AFFORDABILITY PERIOD means the 20 year period that the reserved dwelling units may only be leased to and occupied by eligible households or voucher holders.

(15) RESERVED DWELLING UNIT means the rental units within a development available to be

voucher holders and are leased at affordable rents set according to this division.

(16) STOOP means a small porch leading to the entrance of a residence.

(17) TRANSIT PROXIMITY means development within one-half mile, measured radially, of a transit station, including trolley stops, train stations, transfer centers, transfer locations, transit centers, and any transit stop with a climate-controlled waiting area. Transit agencies served include Dallas Area Rapid Transit, Trinity Railway Express, and trolley service.

(18) VOUCHER HOLDER means a holder of a housing voucher, including vouchers directly or indirectly funded by the federal government.

(b) Interpretations. For uses or terms found in Chapter 51 the regulations in Section 51A-4.702(a)(6)(C) apply in this division. (Ord. Nos. 31152; 32210; 32864)

SEC. 51A-4.1104. DEVELOPMENT BONUS PERIOD.

(a) Any development bonus provided in this division is only applicable to structures built during the rental affordability period or according to the terms of the mixed-income restrictive covenant.

(b) Structures built during the term of the mixed-income restrictive covenant may retain their bonuses until they are destroyed by an intentional act of the owner.

(c) Structures built during the term of the mixed-income restrictive covenant may retain their bonuses and be rebuilt if they are destroyed by other than an intentional act of the owner, or owner's agent, if the development continues to meet the requirements of this division. (Ord. 31152)

SEC. 51A-4.1105. PROCEDURES TO OBTAIN A DEVELOPMENT BONUS.

(a) In general.

(1) The owner must comply with the requirements of Chapter 20A, as amended.

(2) Before applying for a permit for construction in accordance with this division, and Section 20A-25 owners shall:

(A) obtain a certified verification of the building site's MVA category;

(B) sign a reserved dwelling unit verification; and

(C) obtain certified verification of participation in the mixed income housing development bonus program.

(b) Building permit application. An application for a building permit using a development bonus must include the following:

(1) the date, names, addresses, and telephone numbers of the applicant and all property owners;

(2) the legal description, the current zoning classification, the market value analysis category, and the census tract of the building site for which the development bonus is requested;

(3) the total number of dwelling units proposed, the number of reserved dwelling units provided, and the number of reserved dwelling units required as a result of receiving the development bonus;

(4) the total number of one-bedroom dwelling units, two-bedroom dwelling units, etc. being proposed;

(5) the certified verification of the building site's MVA category, the reserved dwelling unit verification, and the certified verification of participation in the mixed income housing development bonus program;

(6) the total floor area as defined by Chapter 51A-2.102(38) and the floor area devoted to residential uses as defined in Section 51A-4.209; and

(7) any other reasonable and pertinent information that the building official determines to be necessary for review.

(c) Building permit issuance. Before the issuance of a building permit, the mixed-income restrictive covenant must be recorded in the county in which the building site is located, and an official copy of the executed and recorded mixed-income restrictive covenant must be submitted to the building official.

(d) Minimum units required.

(1) A development using a development bonus in this division must provide a minimum of one reserved dwelling unit regardless of the percentage of total units required.

(2) In this division, calculations of the total number of required reserved units that result in fractions of a required unit must be rounded up to the next whole number.

~~(3) A development using a development bonus in this division must reserve no more than 50 percent of the dwelling units in each development for households at or below 80 percent of area median family income. This maximum percentage of reserved dwelling units may be waived for developments that are enrolled in a program administered by the department of housing and neighborhood revitalization and authorized by the city council that furthers the public purposes of the city's housing policy and affirmatively furthers fair housing.~~

(3) A development using a development bonus in this division must reserve no more than 50 percent of the dwelling units in each development for households at or below 80 percent of area median family income. This maximum percentage of reserved dwelling units may be waived for developments that are enrolled in a program administered by the department of housing and community development and authorized by the city council that furthers the public purposes of the city's housing policy and affirmatively furthers fair housing.

(e) Phasing.

(1) To obtain a development bonus for a phased development, a project plan must be submitted

to the building official with the initial building permit application.

(2) For a phased development:

(A) the first phase must independently qualify for the development bonus;

(B) each subsequent phase combined with all previous phases already completed or under construction must also qualify for the development bonus; and

(C) the dispersal requirements in Section 51A-4.1106 only apply to buildings and phases with reserved units.

(3) A project taking advantage of a development bonus may consist of two or more building sites if they are developed under a project plan. The project plan must include a unit dispersal plan and must be:

(A) signed by all property owners; and

(B) approved by the building official.

(f) Certificate of occupancy. Before the issuance of a final certificate of occupancy for a multifamily or retirement housing use, the owner must submit to the building official any additional information needed to ensure compliance with the terms of the building permit and the mixed-income restrictive covenant, including:

(1) The approved affirmative fair housing marketing plan described in Section 20A-31(g).

~~(2) A letter from the director of housing and neighborhood revitalization certifying that the development complies with the mixed-income restrictive covenant.~~

(2) A letter from the director of housing and community development certifying that the development complies with the mixed-income restrictive covenant.

(3) A letter documenting that the development has registered with one or more local providers of housing vouchers and has acknowledged that the development must pass the provider's required inspections. (Ord. Nos. 31152; 32210; 32864)

(D) Awnings

(2) Front yard fences. A maximum four-foot-high fence is allowed in a front yard. A maximum four-foot-high handrail may be located on retaining walls in a front yard.

(3) Height. Maximum height is controlled by the development bonus provisions and must comply with residential proximity slope regulations if applicable.

(c) Off-street parking and loading.

(1) In general. Except as provided in this section, consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

(2) Multifamily parking. Except as provided in this paragraph, the lesser of one-half space per dwelling unit or the minimum number of parking spaces required in Division 51A-4.200, as amended, is required.

(A) At least 15 percent of the required parking must be available for guest parking.

(B) For developments with transit proximity, the lesser of one-half space per dwelling unit or the minimum number of parking spaces required in Division 51A-4.200, as amended, is required. At least 15 percent of the required parking must be available for guest parking.

(3) Retirement housing. The lesser of one-quarter space per dwelling unit or the minimum number of parking spaces required in Division 51A-4.200, as amended, is required.

(4) Parking locations.

(A) In general. Except as provided in this paragraph, surface parking is prohibited between the street-facing facade and the property line. For buildings with more than one street frontage, only two street frontages are subject to this requirement.

(B) Thoroughfare frontage. For buildings fronting on a thoroughfare, surface parking is prohibited within the front setback.

(C) Surface parking. A maximum of 15 percent of the total on-site parking may be provided as surface parking in a side yard.

(D) Parking structure. That portion of the ground-level floor facing the street of any multi-floor parking facility must have an active use other than parking, with a minimum depth of 25 feet, or must have an exterior facade that is similar in materials, architecture, and appearance to the facade of the main structure. Exterior parking structure facade openings must provide solid screening a minimum 42 inches from the floor level within the parking structure to screen vehicles and vehicle headlights.

(E) Assigned parking. For assigned parking spaces, those spaces allotted for reserved dwelling units must be dispersed and distributed amongst all other assigned parking for similar units.

(5) Passenger loading.

(A) Each building site must provide at least one off-street or on-street passenger loading space. The board of adjustment may grant a variance to this subparagraph.

~~(B) On-street passenger loading zones, if provided, must be constructed in compliance with Architectural Barrier Act accessibility standards and must be approved by the director and by the director of public works.~~

(B) On-street passenger loading zones, if provided, must be constructed in compliance with Architectural Barrier Act accessibility standards and must be approved by the director and by the director of transportation and public works.

(6) Screening of off-street loading spaces and service areas. Screening must be at least six feet in height measured from the horizontal plane passing through the nearest point of the off-street loading space and may be provided by using any of the methods described in Section 51A-4.602(b)(3), except that screening around service areas for trash collection must be screened by a masonry wall with a solid gate.

(7) Review. This subsection must be reviewed by city council within two years of May 11, 2022 and every two years, thereafter.

(d) Street and open space frontages.

(1) Frontages. All street-fronting facades

window and at least one common primary entrance facing the street or open space at street-level. The entrance must access the street or open space with an improved path connecting to the sidewalk. A transparent surface is required for every 25 linear feet of continuous street-fronting and open-space-fronting facade.

(2) Individual entries. Except as provided in this paragraph, a minimum of 60 percent of the street-level dwelling units adjacent to a street in each building must have individual entries that access the street with an improved path connecting to the sidewalk. For at-grade open space, a minimum of 60 percent of the open-space fronting dwelling units in each building must have individual entries that access the open space. EXCEPTION. This paragraph does not apply to retirement housing.

(e) Sidewalk, lighting, and driveway standards.

(1) Sidewalks.

(A) A sidewalk with a minimum average width of six feet must be provided along all street frontages.

(i) Except as provided in this subsection, all sidewalks must be clear and unobstructed for a minimum of five feet in width.

(ii) Tree grates do not count toward the minimum unobstructed sidewalk width.

(iii) If the building official determines that the location of a local utility or protected tree, as defined in Article X, would prevent a five-foot minimum width, the sidewalk may be reduced to four feet in width in that location.

(B) Sidewalks must be located in an area parallel to and between two feet and 15 feet of the back of the projected street curb.

(C) Except as provided in this paragraph, sidewalks must comply with the Street Design Manual, be continuous and level across all driveways and curb cuts, and be at the same grade as the existing sidewalk. A waiver of this requirement is available subject to approval of the director.

(2) Lighting.

(A) Special lighting requirement. Exterior lighting sources, if used, must be oriented down and onto the property they light and generally away from adjacent residential properties.

~~(B) Pedestrian scale lighting. For a development greater than 20,000 square feet of floor area, pedestrian scale lighting that provides a minimum maintained average illumination level of 1.5 foot candles must be provided along public sidewalks and adjacent to public streets. The design and placement of both the standards and fixtures must be approved by the director of transportation. Unless otherwise provided, the property owner is responsible for the cost of installation, operation, and maintenance of the lighting.~~

(B) Pedestrian scale lighting. For a development greater than 20,000 square feet of floor area, pedestrian scale lighting that provides a minimum maintained average illumination level of 1.5 foot candles must be provided along public sidewalks and adjacent to public streets. The design and placement of both the standards and fixtures must be approved by the director of transportation and public works. Unless otherwise provided, the property owner is responsible for the cost of installation, operation, and maintenance of the lighting.

(f) Open space requirements.

(1) At least 10 percent of the building site must be reserved as open space for activity such as active or passive recreation, playground activity, groundwater recharge, or landscaping.

(A) No structures except for architectural elements; playground equipment; structures that are not fully enclosed such as colonnades, pergolas, and gazebos; and ordinary projections of window sills, bay windows, belt courses, cornices, eaves, and other architectural features are allowed; otherwise, open space must be open to the sky.

(B) Open space may contain primarily grass, vegetation, or open water; be primarily used as a ground-water recharge area; or contain pedestrian amenities such as fountains, benches, paths, or shade structures.

(C) Open space may also be provided at or below grade or aboveground by an outside roof

(E) Operation or parking of vehicles within on-site open space is prohibited. Emergency and grounds maintenance vehicles are exempt.

(F) Open spaces must be properly maintained in a state of good repair and neat appearance, and plant materials must be maintained in a healthy, growing condition.

(2) Landscape areas that fulfill the requirements of Article X may also fulfill these requirements if all conditions of this section and Article X are met.

(g) Non-required fences. Unless a use specifically requires screening, all fences for uses along a street or trail must have a surface area that is a minimum of 50 percent open, allowing visibility between three feet and six feet above grade. The exceptions for multifamily districts in Sections 51A-4.602(a)(2) and 51A-4.602(a)(4) which provide that a fence exceeding four feet above grade may be erected in a front yard in multifamily districts are not applicable. (Ord. Nos. 31152; 32210; 32864)

**SEC. 51A-4.1108 BOARD OF ADJUSTMENT
VARIANCES.**

A development that is eligible to receive the bonuses in this division may either use the bonuses or go to the board of adjustment to seek a variance but may not do both for the same yard, lot, and space regulations. (Ord. Nos. 31152; 32210)

development so that a minimal amount of vegetation is removed or replaced. If vegetation is removed, it must be replaced with new vegetation of the same variety unless the building official approves an alternative variety as being less susceptible to disease or better suited for urban development.

(2) Shrub borders must be maintained around woodlands where practicable.

(3) Landscaping must consist of ecologically suitable plant species. (Ord. Nos. 19455; 26000; 30893)

SEC. 51A-5.209. ESCARPMENT AREA REVIEW COMMITTEE.

~~—(a) In order to assist the director and the board of adjustment in the administration and interpretation of these escarpment regulations, and to establish an efficient forum for city input and review of proposed developments in geologically similar areas, an escarpment area review committee ("the committee") shall be established. The committee shall be advisory in nature and be comprised of at least one representative from the departments of development services, parks and recreation, planning and urban design, and public works. Members of the committee shall be appointed by the heads of the departments they represent. At least two representatives must be present to constitute a quorum.~~

(a) In order to assist the director and the board of adjustment in the administration and interpretation of these escarpment regulations, and to establish an efficient forum for city input and review of proposed developments in geologically similar areas, an escarpment area review committee ("the committee") shall be established. The committee shall be advisory in nature and be comprised of at least one representative from the departments of development services, parks and recreation, planning and urban design, and transportation and public works. Members of the committee shall be appointed by the heads of the departments they represent. At least two representatives must be present to constitute a quorum.

(b) The committee shall have the following powers and duties:

(1) To thoroughly familiarize itself with the

structures, land, areas, geology, hydrology, and indigenous plant life in the escarpment zone and in geologically similar areas.

(2) To thoroughly familiarize itself with the escarpment regulations.

(3) To identify criteria to be used in evaluating proposed development in the escarpment zone and in geologically similar areas.

(4) To identify guidelines to be used in determining whether a proposed development complies with the spirit and intent of the escarpment regulations.

(5) To meet with each prospective developer of a project for which an escarpment permit is required and make recommendations to the director as to what information may be waived or what additional information is required to allow a complete evaluation of the proposed project.

(6) To review applications for escarpment permits for compliance with the escarpment regulations, and to make recommendations to the director as to whether the applications should be approved or denied.

(7) To give advice and provide staff assistance to the board of adjustment and the city plan commission in the exercise of their responsibilities.

(8) To initiate amendments to the escarpment regulations when, in the opinion of the committee, the amendments are necessary to further the spirit and intent of the escarpment regulations.

(c) The committee shall meet at least once each month, with additional meetings to be held upon the call of the director, or upon petition of a simple majority of the members of the committee.

(d) The provisions of Chapter 8, "Boards and Commissions," of the Dallas City Code, as amended, do not apply to the committee.

(e) Actions taken or recommendations made by the committee are not binding upon the director, the board of adjustment, the city plan commission, and the

city council, and these persons and public bodies may decide a matter contrary to the recommendations of the committee. (Ord. Nos. 19455; 25047; 26000; 28073; 28424; 29478; 29882; 30239; 30654; 32002; 32864)

to correct the deficiencies or submit additional documentation. The director may, for good cause, extend the deadline to correct or supplement the application. If the applicant fails to correct or supplement the application within 60 days or the extended period, the application shall be deemed withdrawn and the initial filing fee forfeited. No application shall be deemed complete until all supporting documentation is supplied. The director shall notify the applicant in writing when the application is deemed complete.

(e) Staff review.

~~———— (1) The director shall distribute a copy of the complete application to the city attorney, the department of development services, the office of management services, the park and recreation department, the department of transportation, and the Dallas water utilities department for review and comment. The director shall also send a copy of the application to the TCEQ.~~

(1) The director shall distribute a copy of the complete application to the city attorney, the department of development services, the office of management services, the park and recreation department, the department of transportation and public works, and the Dallas water utilities department for review and comment. The director shall also send a copy of the application to the TCEQ.

(2) The city of Dallas is not responsible for conducting an environmental risk assessment with respect to the application or the designated property.

(f) Public meeting.

(1) The director shall conduct a public meeting within 45 days after the application is deemed complete. The public meeting must be held at a facility open to the public near the designated property.

(2) Upon receipt of the estimated cost of mailing notices and advertising the public meeting, the director shall provide notification of the public meeting in the following manner:

(A) The notice of the public meeting must include:

- (i) the date, time, and location of the public meeting;
- (ii) the identity of the applicant;
- (iii) the location and legal description of the designated property;
- (iv) the purpose of a municipal setting designation; and
- (v) the type of contamination identified in the designated groundwater.

(B) The director shall publish notice of the public meeting in the official newspaper of the city at least 15 days before the public meeting.

(C) The director shall mail notice of the public meeting at least 15 days before the date of the public meeting by depositing the notice properly addressed and postage paid in the United States mail. The notice must be written in English and Spanish. The applicant may not alter, change, amend, or enlarge the application after notices for the public meeting have been mailed. The director shall mail notice of the public meeting to:

- (i) the applicant;
- (ii) owners of real property within 2,500 feet of the designated property as indicated by the most recent appraisal district records;
- (iii) owners of state-registered private water wells within five miles of the designated property, as indicated on the application, by certified mail;
- (iv) any retail public utility that owns or operates a groundwater supply well within five miles of the designated property, as indicated on the application, by certified mail;
- (v) any municipality with a boundary within one-half mile of the designated property, as indicated on the application, by certified mail;

(E) pursue other actions that the director believes may be warranted.

(7) The applicant shall notify the director in writing if the applicant determines that notice is required to be sent to an owner of other property beyond the boundaries of the designated property under Title 30 Texas Administrative Code, Chapter 30, Section 350.55(b), providing the name of the property owner, the property address, and a copy of the notice sent to the property owner.

(k) Authority of the director. The director is authorized to:

(1) Enter public or private property to determine whether designated groundwater is being used in violation of this section.

(2) Administer and enforce the provisions of this section.

(l) Offenses. A person commits an offense if the person:

(1) uses designated groundwater as a potable water source or for a purpose prohibited in the municipal setting designation ordinance;

(2) fails to provide the director with a copy of the municipal setting designation certificate issued by the TCEQ pursuant to Section 361.807 of the Texas Health and Safety Code within 30 days after issuance of the certificate;

(3) fails to provide the director with a copy of the certificate of completion or other documentation issued by the TCEQ showing that any site investigations and response actions required pursuant to Section 361.808 of the Texas Health and Safety Code have been completed to the satisfaction of the TCEQ within the time period required.

(4) fails to notify and provide documentation to the director within the time period required in the municipal setting designation ordinance

that the entire non-ingestion protective concentration level exceedance zone originating from sources on the designated property or migrating from or through the designated property has been addressed to the satisfaction of the state or federal agency administering the program. (Ord. Nos. 26001; 27697; 28073; 28424; 30239; 30654; 30994; 32002; 32864)

- (5) Ornamental cupola or dome.
- (6) Skylight.
- (7) Clerestory.
- (8) Visual screens which surround roof mounted mechanical equipment.
- (9) Chimney and vent stacks.
- (10) Amateur communications tower.
- (11) Parapet wall over four feet.
- (12) Storage facility.

(b) A sign may be attached to a structure located on a building if the sign refers exclusively to:

- (1) the identification of the premise; or
- (2) a tenant that occupies in excess of 50 percent of the floor area of the premise. (Ord. 20343)

SEC. 51A-7.212. STREET CONSTRUCTION ALLEVIATION SIGNS.

(a) Definitions. In this section, unless the context clearly indicates otherwise:

(1) CONSTRUCTION means major activity involving on-site excavation, fabrication, erection, alteration, repair, or demolition that materially alters or restricts access to a premise.

~~(2) DIRECTOR means the director of transportation of the city or the director's designated representative, including but not limited to the city's traffic engineer.~~

(2) DIRECTOR means the director of transportation and public works of the city or the director's designated representative, including but not limited to the city's traffic engineer.

(3) ERECT means erect or maintain.

(4) OPERATOR means a person who causes a use or business to function or puts or keeps a use or

business in operation. A person need not have an ownership interest in a use or business to be an "operator" of the use or business for purposes of this section.

(5) OWNER includes any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, tenant by the entirety, or lessee.

(6) SIGN means a sign authorized to be erected or maintained under this section.

(7) STREET means a street more than 85 feet in width, including frontage roads, if applicable. "Frontage Road" means a frontage, access, or service road for a freeway or tollway.

(b) Purpose. The purpose of this section is to promote the health, safety, morals, and general welfare of the city in order to lessen the congestion in the streets; to improve communications efficiency by allowing businesses to identify themselves and by helping customers to locate these businesses; to promote the safety of persons and property by reducing the confusion created by street construction; and to preserve landscape quality by imposing uniform standards. This section is not intended to apply to temporary minor repairs to streets.

(c) Authority to erect. In addition to any other signs permitted under this chapter, up to two detached premise signs may be erected on a premise if:

(1) the premise contains at least one main use other than a single family or duplex use;

(2) the premise has frontage along that portion of a street under construction as defined in Subsection (a); and

(3) the director has given written notice in accordance with Subsection (d).

(d) Notice required to be given by the director. Whenever the director determines that construction of a street, as defined in this section, is imminent, the

(2) is an owner or operator of a use or business to which the sign refers; or

(3) owns part or all of the land on which the sign is located.

(h) City may remove signs. The City of Dallas may remove any sign without liability if the director determines that the sign constitutes a safety hazard, or if the sign does not comply with this section; however, the City shall not be liable for failure to remove a sign. (Ord. Nos. 20728; 20927; 25047; 28424; 30239; 30654; 32864)

SEC. 51A-7.213. DETACHED SIGN UNITY AGREEMENTS.

(a) The building official may authorize the dissolution of common boundary lines between lots for the limited purpose of allowing those lots to be considered one premise for the erection of detached signs, provided that a written agreement is executed in accordance with this section on a form provided by the city.

(b) The agreement must:

(1) contain legal descriptions of the properties sharing the common boundary line(s);

(2) set forth adequate consideration between the parties;

(3) state that all parties agree that the properties sharing the common boundary line(s) may be collectively treated as one lot for the limited purpose of erecting detached signs;

(4) state that the dissolution of the common boundary line(s) described in the agreement is only for the limited purpose of allowing the erection of detached signs, and that actual lines of property ownership are not affected;

(5) state that it constitutes a covenant running with the land with respect to all properties sharing the common boundary line(s);

(6) state that all parties agree to defend, indemnify, and hold harmless the city of Dallas from and against all claims or liabilities arising out of or in connection with the agreement;

(7) state that it shall be governed by the laws of the state of Texas;

(8) state that it may only be amended or terminated by a subsequent written instrument that is:

(A) signed by an owner of property sharing the common boundary line(s) or by a lienholder, other than a taxing entity, that has either an interest in a property sharing the common boundary line(s) or an improvement on such a property;

(B) approved by the building official;

(C) approved as to form by the city attorney; and

(D) filed and made a part of the deed records of the county or counties in which the properties are located;

(9) be approved by the building official and be approved as to form by the city attorney;

(10) be signed by all owners of the properties sharing the common boundary line(s);

(11) be signed by all lienholders, other than taxing entities, that have either an interest in the properties sharing the common boundary line(s) or an improvement on those properties; and

(12) be filed and made a part of the deed records of the county or counties in which the properties are located.

(c) Special provisions for detached signs.

(1) Except detached movement control signs, district identification, and kiosk signs, all detached signs must be monument premise signs.

(2) Detached signs may be located on a premise with attached signs.

(3) A detached movement control sign is not a monument sign.

(d) District identification signs.

(1) A maximum of five district identification signs are permitted.

(2) Except as otherwise provided in this paragraph, district identification signs may only be located over and span across the rights-of-way at the following locations:

(A) Marilla Street and Pearl Street;

(B) Taylor Street and Cesar Chavez Boulevard;

(C) Taylor Street and Harwood Street; and

(D) Cesar Chavez Boulevard and Farmers Way.

~~(3) Minimum clearance for a district identification sign located over and spanning across a right-of-way must be determined by the director of the department of transportation before a district identification sign permit may be issued.~~

(3) Minimum clearance for a district identification sign located over and spanning across a right-of-way must be determined by the director of the department of transportation and public works before a district identification sign permit may be issued.

(4) A district identification sign that is located over and spanning across a right-of-way may not resemble or obstruct any traffic control devices.

(5) One district identification sign may be located on top of a building at the southeast corner of

Farmers Way and Pearl Street. Maximum height of the district identification sign on top of a building at the southeast corner of Farmers Way and Pearl Street is 30 feet.

(6) Maximum effective area of a district identification sign is 1,000 square feet.

(7) A district identification sign may not be located in or visually obstruct a visibility triangle as defined in the visual obstructions regulations in Section 51A-4.602(d).

(e) Kiosks.

(1) A maximum of 10 kiosks are permitted.

(2) Except city kiosks, kiosks may not be located in the rights-of-way.

(3) Kiosks must be spaced at least 50 feet from another kiosk.

(4) Kiosks may not be illuminated by a detached independent external light source.

(5) Kiosks may not exceed 10 feet in height and 100 square feet in effective area.

(f) Monument signs.

(1) A maximum of five monument signs are permitted.

(2) Maximum effective area of a monument sign is 50 square feet.

(3) Maximum height of a monument sign is 15 feet.

(4) No monument sign may be closer than 200 feet from another monument sign on the same premise.

(g) Roof signs.

(1) A maximum of two roof signs are permitted.

(2) A roof sign may not be located on the

(A) has been factory programmed to comply with the maximum brightness and dimming standards in Provision (j)(2)(A)(ii)(cc); and

(B) is protected from end-user manipulation by password-protected software, or other method satisfactory to the building official.

(4) Change of message. Except as provided in this paragraph, changes of message must comply with the following:

(A) Each message must be displayed for a minimum of eight seconds.

(B) Changes of message must be accomplished within two seconds.

(C) Changes of message must occur simultaneously on the entire sign face.

(D) No flashing, dimming, or brightening of message is permitted except to accommodate changes of message.

(5) Streaming information. If a special events permit has been issued for subdistrict activities, streaming video and audio is permitted, except that ticker tape streaming is permitted at all times when the videoboard sign is operating. Ticker tape streaming must be located within the bottom 10 percent of the effective area.

(6) Malfunction. Videoboard sign operators must respond to a malfunction or safety issue within one hour after notification.

(j) Detached movement control signs in the Market Center Sign Subdistrict.

(1) A maximum of five detached movement control signs may be erected in this subdistrict.

(2) No minimum distance is required between a detached movement control sign and any other sign in this subdistrict.

(3) Maximum effective area is 24 square feet on each sign face.

(4) Each face of a detached movement control sign may have a maximum of six panels and a minimum of three panels.

(5) Maximum height is eight feet. Maximum width is three and a half feet.

(6) No maximum letter size.

(7) Maximum number of words on a panel is five.

(8) A detached movement control sign may identify businesses and uses within this subdistrict and may include district identification.

(9) Minimum clearance for pedestrian access on the sidewalk must be determined by the director before a detached movement control sign permit may be issued. (Ord. Nos. 29233; 29557; 30802; 32864)

(2) No detached sign may exceed two feet in height.

(3) No letter may exceed four inches in height.

(b) The protective signs authorized in the preceding subsection are in addition to all other signs permitted in this ordinance. (Ord. Nos. 24348; 25918)

SEC. 51A-7.1719. VEHICULAR SIGNS.

(a) In addition to all other signs permitted in this ordinance, vehicular signs are permitted subject to the following restrictions:

(1) No sign may contain flashing or moving elements.

(2) No sign may have an element with a luminance greater than 200 footlamberts.

(3) No sign may project beyond the surface of a vehicle in excess of eight inches.

(4) No sign may be attached to a vehicle so that the driver’s vision is obstructed from any angle.

(5) Signs, lights, and signals used by authorized emergency vehicles are not restricted.

(b) A vehicular sign must comply with all regulations for detached signs if:

(1) it is placed so as to constitute a “sign” as defined in Section 51A-7.1704; and

(2) the vehicle upon which the sign is located is parked on other than a temporary basis.

(c) The owner of the vehicle upon which a vehicular sign is placed is responsible for ensuring that the provisions of this section are adhered to and commits an offense if any vehicular sign on his vehicle violates this section. If such a vehicle is found

unattended or unoccupied, the registered owner of the vehicle shall be presumed to be the actual owner. The records of the state highway department or the county highway license department showing the name of the registered owner of the vehicle shall constitute prima facie evidence of actual ownership by the named individual. (Ord. Nos. 24348; 25918)

SEC. 51A-7.1720. STREET CONSTRUCTION ALLEVIATION SIGNS.

(a) Definitions. In this section, unless the context clearly indicates otherwise:

(1) CONSTRUCTION means major activity involving on-site excavation, fabrication, erection, alteration, repair, or demolition that materially alters or restricts access to a premise.

~~(2) DIRECTOR means the director of transportation of the city or his or her designated representative.~~

(2) DIRECTOR means the director of transportation and public works of the city or his or her designated representative.

(3) ERECT means erect or maintain.

(4) OPERATOR means a person who causes a use or business to function or puts or keeps a use or business in operation. A person need not have an ownership interest in a use or business to be an “operator” of the use or business for purposes of this section.

(5) OWNER includes any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, tenant by the entirety, or lessee.

(6) SIGN means a sign authorized to be erected or maintained under this section.

(7) STREET means a street more than 85 feet in width, including frontage roads, if applicable. “Frontage Road” means a frontage, access, or service road for a freeway or tollway.

(3) The sign must be visible from and oriented towards the street under construction and have an arrow that directs motorists to a motor vehicle entrance to the premise.

(4) The sign must be a square, with dimensions of four feet by four feet. It must have a three-inch border of white reflective sheeting or paint and a reflective blue background. The text of the sign must consist of reflective white characters. (Note: It is intended that the requirements of this paragraph be strictly and precisely complied with.)

(5) No sign may exceed eight feet in height.

(6) No sign may be a portable sign unless the director determines that the sign does not constitute a safety hazard.

(g) Criminal responsibility. If a sign violates this section and is not otherwise authorized under the Dallas City Code, a person is criminally responsible for a sign unlawfully erected or maintained if the person:

- (1) erects or maintains the sign;
- (2) is an owner or operator of a use or business to which the sign refers; or
- (3) owns part or all of the land on which the sign is located.

(h) City may remove signs. The City of Dallas may remove any sign without liability if the director determines that the sign constitutes a safety hazard, or if the sign does not comply with this section; however, the city shall not be liable for failure to remove a sign. (Ord. Nos. 24348; 25047; 25918; 30239; 30654; 32864)

SEC. 51A-7.1721. ATTACHED SIGNS ON MACHINERY OR EQUIPMENT.

Words may be attached to machinery or equipment which is necessary or customary to a

business, including but not limited to devices such as gasoline pumps, vending machines, ice machines, etc., provided that the words so attached refer exclusively to products or services dispensed by the device, consist of characters no more than four inches in height, and project no more than one inch from the surface of the device. (Ord. Nos. 24348; 25918)

SEC. 51A-7.1722. DISTRICT IDENTIFICATION SIGNS.

- (a) District identification signs may only identify the name or logo of this district.
- (b) No sign may exceed three words or be a changeable message sign.
- (c) These signs are in addition to all other signs permitted on a premise and are subject to the following regulations:

- (1) In Subdistrict A, district identification signs are not permitted in addition to the other signs authorized on a premise. Any sign in Subdistrict A that identifies the name or logo of this district must meet the regulations for attached or detached signs in Subdistrict A, and the sign will be included in the calculation of the number of permitted signs on a premise.
- (2) In Subdistricts B and D, district identification signs must be flat attached signs, monument signs, banners attached to pole supports, or enhanced banner signs.

(A) Attached and detached signs.

- (i) In Subdistrict B, a maximum of three flat attached signs or monument signs are permitted.
- (ii) In Subdistrict D, a maximum of two monument signs are permitted.
- (iii) The maximum effective area for a flat attached sign is 900 square feet.

(27) FLOODWAY EASEMENT means an easement dedicating a drainage area to the city for control and maintenance of a flood plain.

(28) FLOODWAY MANAGEMENT AREA means a drainage area dedicated in fee simple to the city for control and maintenance of a flood plain.

(29) INFRASTRUCTURE means all streets, alleys, sidewalks, storm drainage facilities, water and wastewater facilities, utilities, lighting, transportation, and any other facilities required by law to adequately serve and support development.

(30) MEDIAN OPENING means a gap in a median allowing vehicular passage through the median.

(31) MINOR PLAT means a plat that meets both of the following requirements:

(A) The area proposed for platting must not exceed five acres in size for residential zoning districts (single family, duplex, and townhouse) and three acres in size for all other zoning districts; and

(B) The proposed plat must not require any public infrastructure. For example: the plat may not contain any new streets or alleys; it must abut an approved public or private street of adequate width as specified in Section 51A-8.604(c) or the Thoroughfare Plan for the city of Dallas; adequate water, wastewater, paving, and drainage improvements must already exist to serve the proposed plat; and any existing improvements which are to remain must meet all setback requirements and must not be divided by a proposed lot line or setback line.

(32) MONUMENT means a permanent structure set on a line to define the location of property lines, important horizontal plat control points, and other important features on a plat.

~~—(33) NONSTANDARD MATERIALS mean any materials not specified in the Standard Construction Details of the department of public works or the North Central Texas Standard Specifications for Public Works Construction of the North Central Texas Council of Governments.~~

(33) NONSTANDARD MATERIALS mean any

materials not specified in the Standard Construction Details of the department of transportation and public works or the North Central Texas Standard Specifications for Public Works Construction of the North Central Texas Council of Governments.

(34) OPEN SPACE, IMPROVED means open space containing structures or improvements, including but not limited to hike and bike trails.

(35) OPEN SPACE, UNIMPROVED means open space containing no buildings, fences, or other structures above or below grade.

(36) OWNER means the fee simple owner of property, or the owner’s representative when authorized by a power of attorney, corporate resolution, or other appropriate document.

(37) PARKWAY means the area between the outside edge of street pavement and the street right-of-way lines abutting other public or private property.

(38) PERMANENT DEAD-END STREET means a street or alley which cannot or will not be extended to another street in the foreseeable future.

(39) PHASE means a portion of an approved preliminary plat that receives final plat approval and is developed before or during the time the owner submits the final plat on the remainder of, or on another phase of, the area shown on the preliminary plat.

(40) PLAT means the graphic presentation of one or more lots or tracts of land, or of a subdivision, resubdivision, combination, or recombination of lots or tracts.

(41) PLAT RELEASE means approval by a department to verify that those conditions of approval required by that department have been satisfied before the final plat is endorsed by the commission chair.

(42) PRELIMINARY PLAT means the initial plat proposed by the applicant, which is reviewed by city staff and presented by staff to the city plan commission for consideration. If the commission determines that approval subject to conditions is appropriate, the subdivision administrator ensures that those

(43) PRIVATE DEVELOPMENT CONTRACT means a contract between a developer and a contractor for the construction of infrastructure that is to be dedicated to the public.

(44) PRIVATE STREET means a privately owned street that is required by this article to meet the same standards as a street dedicated to public use.

(45) REPLAT means a plat changing a previously approved and recorded plat that is not an amending plat (minor) or an amending plat (major).

(46) RESIDENTIAL REPLAT means a replat without vacation of the preceding plat for property: (a) any part of which was limited during the preceding five years by an interim or permanent zoning classification to residential use for not more than two residential units per lot; or (b) that contains a lot in the preceding plat that was limited by deed restrictions to residential use for not more than two residential units per lot.

(47) SIDEWALK means a paved area dedicated to the public for pedestrian use.

(48) SINGLE FAMILY LOT means a lot in a single family zoning district, or a lot in an identifiable single family component of a planned development district.

(49) STREET CENTERLINE OFFSET means the distance between the centerlines of two more or less parallel streets measured along the centerline of an intersecting street.

(50) SUBDIVISION means land included within the boundaries of an original plat, or any of the following for the purpose of creating a building site for land development or transfer of ownership:

(A) The division of property into two or more parts.

(B) The combination of lots or tracts into one or more parts.

(C) The redivision or recombination of lots or tracts.

(51) SUBDIVISION ADMINISTRATOR means the city staff employee designated by the city manager to supervise the platting and subdivision process.

(52) TEMPORARY DEAD-END STREET means a street that is planned to or can feasibly be extended in the foreseeable future to another street.

(53) TOWNHOUSE LOT means a lot in a townhouse TH(A) zoning district, or a lot in an identifiable townhouse component of a planned development district.

(54) TRAFFIC BARRIER means a physical barrier that prevents the indiscriminate and unauthorized crossing of traffic between a street or alley and a thoroughfare. Examples of traffic barriers include a series of posts connected by a cable or chain, a deep beam highway guard rail, or a New Jersey barrier-type wall on an engineered foundation.

(55) VACATION means the legal process by which unimproved, platted land, no part of which the city has accepted as a dedication for public use, may be returned to the legal status of being a parcel of unplatted land.

(56) WATER FACILITIES mean the infrastructure required to deliver potable water to property.

(57) WASTEWATER FACILITIES mean the infrastructure required to convey wastewater from property. (Ord. Nos. 20092; 21186; 23384; 24843; 26529; 28424; 30239; 30654; 32002; 32864)

provide vehicular access from a dedicated public right-of-way or easement to another dedicated public right-of-way along pavement which is all within dedicated public right-of-way.

(6) Alleys adjoining and parallel to divided thoroughfares must be separated from the thoroughfare by a traffic barrier in accordance with Section 51A-8.618 of this article.

(7) Dedications for an alley are required as provided in Section 51A-8.604(c). Where an alley intersects a street, a 15-foot visibility triangle (alley sight easement) is required. Measurements are taken along the property line.

~~(8) Alleys must be designed and constructed according to the requirements of the Street Design Manual and the Standard Details for Public Works Construction of the department of public works.~~

(8) Alleys must be designed and constructed according to the requirements of the Street Design Manual and the Standard Details for Public Works Construction of the department of transportation and public works.

(c) Private alleys. If a private alley is indicated, it must be designed and constructed in accordance with all of the requirements in this section, and must be labeled as a private alley on the proposed plat. Easements for utilities and franchises must be dedicated in private alleys under the same circumstances and in the same manner as required for private streets pursuant to Section 51A-8.610. (Ord. Nos. 20092; 23384; 25047; 28073; 28424; 29478; 30239; 30654; 31314; 32864)

SEC. 51A-8.508. PARKS AND COMMON AREAS.

(a) Generally. If any portion of property subject to a plat application qualifies as a prospective park site pursuant to the standards and guidelines contained in the Long Range Physical Plan for Park and Recreational Facilities, the director of parks and recreation must be notified and given an opportunity to negotiate for the acquisition of the property by the city before a final plat is approved. If the applicant elects to make a commitment to sell that portion of the property to the

city, he may designate the portion as a reservation for park use if the following requirements are met:

(1) The portion is of a suitable size, dimension, topography, and general character for its intended purpose.

(2) Adequate access to the portion is provided.

(3) The dimensions of the portion are clearly identified on the plat.

(4) Any development shown on the portion complies with the standards of the park and recreation department.

(b) Proper access. Land reserved for recreation sites and parks is considered to have proper access and visibility if:

(1) the property has frontage of at least 100 feet on an improved public street; or

~~(2) the property has a high degree of visibility and has paved public vehicular access to an improved public street. The paved access must be at least 20 feet in width and must comply with the construction standards of the department of public works.~~

(2) the property has a high degree of visibility and has paved public vehicular access to an improved public street. The paved access must be at least 20 feet in width and must comply with the construction standards of the department of transportation and public works.

(c) Utilities. Water, wastewater, and electrical facilities must be provided to the perimeter of the site.

(d) Common areas. Areas retained in private ownership but intended for the benefit of the owners of lots in the plat must be shown as common areas on the plat. A permanent maintenance plan must be approved for the area before release of the final plat. (Ord. Nos. 20092; 23384; 28424; 30239; 30654; 32864)

SEC. 51A-8.509. FIRE AND POLICE ACCESS.

SEC. 51A-8.511. CONSERVATION EASEMENT.

(a) The owner of the property to be platted may provide an easement on all or part of the property to conserve trees and other natural features, subject to acceptance by the city, to the city or jointly to the city and a nonprofit association dedicated to the conservation of land. Before the city may consider accepting the easement, or consider approving the acceptance of an easement with a nonprofit association as the joint grantee of a conservation easement, the owner shall provide the building official with a list of the protected trees by name (both common and scientific) and caliper or an estimate thereof calculated and documented in a manner approved by the city arborist, written consent by any lienholder of the property to subordination of the lienholder’s interest to the conservation easement area, and a preservation strategy for the easement. The grantee of a conservation easement, if not the city, should be an eligible grantee such that the grantor will have the option of receiving a property tax benefit on the assessed value of the conservation easement area. The conservation easement area should be accessible to the public for walking, upon trails if the area exceeds 30 acres, unless this activity poses a risk to endangered species.

(b) The easement must be approved by the building official and approved as to form by the city attorney.

(c) The owner may offer a conservation easement to the city through the city arborist, or to a nonprofit association approved by the city (a list of such associations may be obtained from the city arborist). (Ord. Nos. 22053; 23384; 24843)

SEC. 51A-8.512. SHARED ACCESS DEVELOPMENT.

See Section 51A-4.411 for regulations concerning shared access developments. (Ord. 26333)

Division 51A-8.600. Infrastructure Design and Construction.

SEC. 51A-8.601. GENERAL STANDARDS.

(a) Infrastructure design and construction for water and wastewater mains must comply with Chapter 49 of the Dallas City Code, as amended, and all other applicable requirements of the water utilities department. All other infrastructure design and construction must comply with this section.

(b) All street paving, storm drainage, bridge, and culvert design and construction must conform to the standards, criteria, and requirements of the following, as they may from time to time be amended by those responsible for their promulgation, except that the design criteria in effect on the date the commission approves the preliminary plat must be used to design the infrastructure.

(1) The Thoroughfare Plan for the city of Dallas.

(2) The Central Business District Streets and Vehicular Circulation Plan.

(3) The Long Range Physical Plan for Parks and Recreational Facilities.

(4) The Street Design Manual of the city of Dallas.

(5) The storm drainage policy of the city of Dallas.

(6) The Drainage Design Manual of the city of Dallas.

(7) The Plan Development Checklist of the department.

~~(8) The Standard Construction Details of the department of public works.~~

(8) The Standard Construction Details of the department of transportation and public works.

(9) The Texas Uniform Traffic Control Device Manual.

(10) The Dallas Central Business District Pedestrian Facilities Plan.

(11) The most recently adopted Dallas Bike Plan.

(12) The City of Dallas Planning Policies.

(13) All other codes and ordinances of the city of Dallas.

(c) If the infrastructure construction is not included in a city-approved private development contract within two years from the preliminary plat approval date, then the infrastructure must be redesigned using the most current criteria. (Ord. Nos. 20092; 21186; 23384; 25047; 28073; 28424; 30239; 30654; 31314; 32864)

SEC. 51A-8.602. DEDICATIONS.

(a) Generally. The owner of the property to be platted must provide an easement or fee simple dedication of all property needed for the construction of streets, thoroughfares, alleys, sidewalks, storm drainage facilities, floodways, water mains, wastewater mains and other utilities, and any other property necessary to serve the plat and to implement the requirements of this article. Dedications shown on plats are irrevocable offers to dedicate the property shown. Once the offer to dedicate is made, it may be accepted by an action by the city council, by acceptance of the improvements in the dedicated areas for the purposes intended, or by actual use by the city. No improvements may be accepted until they are constructed according to the approved plans, details, and specifications, and the final plat is filed for record in the office of the county clerk of the county in which the property is located.

(b) Apportionment of exactions. See Section 51A-1.109 for regulations and procedures concerning apportionment of exactions.

(c) Streets.

(1) The percentage of right-of-way dedication required for streets is as follows:

(A) When the full right-of-way width of a street is contained within the boundaries of a proposed plat, the entire required right-of-way contained within the boundaries of the plat must be dedicated.

(B) When a thoroughfare is along the perimeter of a proposed plat, sufficient right-of-way must be dedicated to provide one-half of the thoroughfare plan requirement, measured from the centerline of the existing right-of-way or, if there is no existing right-of-way, the proposed right-of-way as determined by the director and the chief planning officer. If the property on the side of the thoroughfare opposite the property to be platted is railroad right-of-way or a utility or floodway easement, or if some physical or topographical condition makes the property on that side of the street undesirable for street right-of-way, the commission may require a correspondingly greater dedication.

(C) When a thoroughfare has a city council approved detailed alignment, all right-of-way falling within the approved alignment and within the boundaries of the proposed plat must be dedicated.

(D) If substandard right-of-way exists for an existing perimeter thoroughfare based on the thoroughfare plan requirements, and the plat includes property on both sides of the existing thoroughfare, sufficient right-of-way must be dedicated to meet the entire right-of-way requirement.

(E) When substandard right-of-way exists based on this article for a perimeter minor street, sufficient right-of-way must be dedicated to meet one-half of the entire right-of-way width requirement.

(F) When no right-of-way exists and a minor street is proposed, whether perimeter or

(B) Mid-block lot. If sidewalks do not exist on the adjacent lots and on more than 80 percent of the lots on the same blockface.

(C) Corner lot. If sidewalks do not exist on any of the mid-block lots on the same blockface and the lot is not located within one-quarter mile, as measured along street frontages, from a transit stop, school, park, playground, or other pedestrian accessible destination.

(3) The denial of a waiver application must clearly state the specific reasons why the waiver conditions were not satisfied.

(4) Waivers for sidewalks on separate frontages of corner lots shall be determined independently for each blockface, but will require only one fee.

(5) Granting a waiver does not preclude the city from installing sidewalks at some later time and assessing the abutting owners for the cost of the installation. (Ord. Nos. 20092; 23384; 25047; 28073; 29478; 30933; 31314)

SEC. 51A-8.607. MEDIAN OPENINGS, EXTRA LANES, AND DRIVEWAYS.

~~—(a) Generally. All median openings, driveway approaches, driveways, and extra lanes including left turn lanes, right turn lanes, acceleration/deceleration lanes, and other extra lanes must be located, designed, and constructed in accordance with the current standards of the department of public works.~~

(a) Generally. All median openings, driveway approaches, driveways, and extra lanes including left turn lanes, right turn lanes, acceleration/deceleration lanes, and other extra lanes must be located, designed, and constructed in accordance with the current standards of the department of transportation and public works.

(b) When required. Left turn lanes are required to serve median openings providing access to the proposed plat. Other extra lanes must be designed and constructed as part of the subdivision infrastructure improvements when:

(1) they are required by the thoroughfare plan;

(2) they are required by the zoning district in which the property is located; or

(3) they are recommended and approved by the director and the chief planning officer for proper traffic management.

(c) Spacing of openings. Median openings must be at least 400 feet from median openings serving thoroughfare intersections with divided thoroughfares, measured between the noses of the median. Median openings serving minor streets and driveway approaches along a divided thoroughfare must be at least 300 feet apart, measured between the noses of the median, unless the traffic engineer determines that the potential vehicular traffic in the area does not require 300-foot spacing. The minimum median opening width is 60 feet. Wider openings may be required in order to facilitate truck turning movements. Median openings and left turn pockets must be constructed at the intersection of all streets and drive approaches that generate 250 trips in a 12-hour period.

(d) Relocation of openings. Existing median openings may be relocated if:

(1) the existing opening does not provide service to a public or private street;

(2) the proposed median opening meets the spacing requirements stated in Subsection (c) of this section;

(3) the existing opening is no longer in use or the owners of the properties being served by the existing opening sign a document requesting or

approving the change, and the document is approved by the city attorney’s office; and

(4) the proposed relocation is shown on engineering plans approved by the director.

(e) Driveways and driveway approaches. Driveways must be designed and constructed to provide proper site drainage and to maintain the conveyance of existing drainage in public and private streets. A separate street cut permit is required for each driveway approach accessing a thoroughfare. Driveways may be constructed concurrently with street construction, or with building construction, but must be completed before the issuance of a certificate of occupancy, or final inspection of the buildings or improvements on the property. (Ord. Nos. 20092; 21186; 22026; 23384; 25047; 28073; 28424; 29478; 30239; 30654; 32864)

SEC. 51A-8.608. STREET APPURTENANCES.

(a) Generally. Installation of the following items is required at the time the municipal infrastructure additions or improvements are constructed:

- (1) Street lights.
- (2) Traffic signals.
- (3) Traffic signs and street name blades.
- (4) Pavement markings.
- (5) Temporary traffic control devices for use during construction.

~~—(b) Street lights. The engineering, material, installation, and activation of street lights must be provided as required by the approved street lighting plans. All plan approvals, construction scheduling, and reimbursements must be coordinated through the director of transportation.~~

(b) Street lights. The engineering, material, installation, and activation of street lights must be provided as required by the approved street lighting plans. All plan approvals, construction scheduling, and reimbursements must be coordinated through the director of transportation and public works.

(c) Traffic signals. When the area being platted adds a driveway or street approach to an existing signal, the signal hardware must be modified to serve the development. The engineering, material, and construction of the upgrade to the existing signal must be provided.

~~—(d) Traffic signs and street name blades. All of the required traffic signs and street name blades must be provided as determined by the traffic engineer. All signs must meet the standards of the department of transportation and may be obtained from the department of transportation or any other source if city standards are met. All necessary posts, hardware, and concrete required to complete the sign assembly installation must be provided as determined by the director of transportation. A maintenance bond sufficient in amount to maintain all developer installed traffic signs and street name blades for one year must be posted by the owner.~~

(d) Traffic signs and street name blades. All of the required traffic signs and street name blades must be provided as determined by the traffic engineer. All signs must meet the standards of the department of transportation and public works and may be obtained from the department of transportation and public works or any other source if city standards are met. All necessary posts, hardware, and concrete required to complete the sign assembly installation must be provided as determined by the director of transportation and public works. A maintenance bond sufficient in amount to maintain all developer installed traffic signs and street name blades for one year must be posted by the owner.

(e) Pavement markings. Pavement markings must be provided as necessary to serve the property being platted in accordance with the approved plans.

~~—(f) Traffic control during construction. The owner is responsible for installing and maintaining all necessary barricades, temporary signs, pavement transitions, and pavement markings to safely convey traffic through the construction area in accordance with the Texas Manual on Uniform Traffic Control Devices, State Department of Highways and Public Transportation, and the Barricade Manual of the department of transportation. The owner is also responsible for the removal of all barricades,~~

temporary signs, pavement transitions, and pavement markings.

(f) Traffic control during construction. The owner is responsible for installing and maintaining all necessary barricades, temporary signs, pavement transitions, and pavement markings to safely convey traffic through the construction area in accordance with the Texas Manual on Uniform Traffic Control Devices, State Department of Highways and Public Transportation, and the Barricade Manual of the department of transportation and public works. The owner is also responsible for the removal of all barricades, temporary signs, pavement transitions, and pavement markings. (Ord. Nos. 20092; 22026; 23384; 26530; 28424; 30239; 30654; 32864)

SEC. 51A-8.609. RAILROAD CROSSINGS.

(a) Generally. All engineering plans and construction of infrastructure in the railroad right-of-way must be approved by the department and the railroad.

conclusive on the determination as to needed maintenance or defective materials or workmanship. The director’s determination shall be based upon applicable guidelines. (Ord. Nos. 20092; 21045; 21491; 22022; 23384; 25047; 25048; 26530; 28073; 30239; 30654; 32002)

SEC. 51A-8.613. COVENANT PROCEDURES.

(a) An owner who desires to plat more property than he is willing to construct or design paving, storm drainage, water, or wastewater facilities to serve may plat the property if he executes a covenant for the benefit of the city in accordance with this section. The covenant must run with the land. As part of the covenant, the owner shall agree to, at his cost: submit any needed additional plans; construct the required infrastructure; and secure or dedicate easements and rights-of-way necessary to serve the development at the owner’s cost. Covenants involving water or wastewater facilities must be approved in accordance with Chapter 49 of the Dallas City Code, as amended.

(b) Upon approval of the terms of the paving and storm drainage covenant by the director, the owner shall execute the covenant on a form provided by the director. Executed covenants must be submitted to the department for processing.

(c) All covenants must be approved in accordance with the procedure set out in Section 2-11.2 of this code.

(d) If a covenant is not fulfilled, no building permit or certificate of occupancy may be issued for any property included within the boundaries of the plat which the covenant was executed to serve.

(e) Upon determination by the director that all conditions of a covenant have been fulfilled, the city manager may execute, and cause to be filed of record, a release of the covenant without the necessity of city council approval. In the event of a conflict between this subsection and other provisions in the Dallas City Code, this subsection controls. (Ord. Nos. 20092; 22026; 23384; 23694; 25047; 28073)

SEC. 51A-8.614. COST SHARING CONTRACT.

(a) Generally. All funding requests for city cost sharing participation in municipal infrastructure additions or improvements must be approved by the city council. City participation is generally limited to items that benefit a broad population segment. The developer’s apportioned share of any exaction pursuant to Section 51A-1.109 is the responsibility of the developer unless the developer, as documented in a cost sharing contract, volunteers to pay a greater proportion. If the developer volunteers to pay a greater proportion, the city has no obligation for the amount volunteered. All city participation is subject to the availability of funds. City participation must comply with Subchapter C of Chapter 212 and Chapter 252 of the Texas Local Government Code. (Ord. Nos. 20092; 20730; 21186; 23384; 25047; 26530)

SEC. 51A-8.615. NONSTANDARD MATERIALS.

(a) Generally. Nonstandard materials may be used in the public right-of-way for paving, parkway, sidewalk, driveway, and other street enhancement if the criteria in this section are met.

~~(b) Plans. Plans indicating the nonstandard materials must be approved by the director of public works.~~

~~(c) Samples. Samples of each material used for a walking or traveling surface in the public right-of-way must be submitted to and approved by the director of public works.~~

~~(d) Standards. All street paving, sidewalk, driveway, curb, and gutter construction must conform to the Standard Construction Details and the Standard Specifications for Public Works Construction of the department of public works.~~

(b) Plans. Plans indicating the nonstandard materials must be approved by the director of transportation and public works.

(c) Samples. Samples of each material used for a walking or traveling surface in the public right-of-way must be submitted to and approved by the

director of transportation and public works.

(d) Standards. All street paving, sidewalk, driveway, curb, and gutter construction must conform to the Standard Construction Details and the Standard Specifications for Public Works Construction of the department of transportation and public works.

(e) Sidewalks. Sidewalks must be designed barrier-free to the handicapped.

~~— (f) Landscaping. Proposed landscaping in the public right-of-way must conform to the park and recreation beautification plan or be approved by the director of public works, and must not interfere with utilities or any authorized use of the public right-of-way.~~

(f) Landscaping. Proposed landscaping in the public right-of-way must conform to the park and recreation beautification plan or be approved by the director of transportation and public works, and must not interfere with utilities or any authorized use of the public right-of-way.

(g) Central business district. If the proposed plat is within the central business district, the nonstandard materials must meet all provisions of the Dallas Central Business District Pedestrian Facilities Plan Update.

~~— (h) Written approval. Written approval must be obtained from the director of public works before any work is done.~~

(h) Written approval. Written approval must be obtained from the director of transportation and public works before any work is done.

(i) Liability. The responsibility and liability for all claims or damages resulting from injury or loss due to the use or presence of nonstandard work or materials is governed by Sections 43-33 and 43-34 of the Dallas City Code, as amended, and no liability is assumed by the city for approving plans including nonstandard materials.

(j) Agreements required. A written agreement must be executed between the owner of the property to be platted and the city for the use of nonstandard materials in the public right-of-way. The agreement must be executed before the construction of any improvement consisting of nonstandard materials. If the nonstandard material is to be located in a street or alley, or is otherwise intended for vehicular travel, a covenant agreement is required which provides a plan of perpetual maintenance at no cost to the city. If the nonstandard material is for a driveway, a sidewalk, or for another surface outside of the area between street curbs, or is not intended for vehicular travel, a written agreement is required between the owner of the property to be platted and the city. The owner is responsible for securing all required sidewalk, driveway, or street cut permits.

(k) Maintenance of nonstandard material in public rights-of-way. All improvements in the public rights-of-way exist at the pleasure of the city and must be maintained to the satisfaction of the city. The owner of the property to be platted is responsible for all maintenance and replacement of nonstandard materials and all preparatory work, including subgrade and base maintenance and replacement necessary due to work performed by the city or utility companies in the discharge of their responsibilities. Failure to maintain and replace defective nonstandard materials and workmanship constitutes just cause for the city to remove any portion or all of the nonstandard work and replace it with standard materials. (Ord. Nos. 20092; 23384; 28424; 30239; 30654; 32864)

SEC. 51A-8.616. RESERVED. (Ord. 23384)

SEC. 51A-8.617. MONUMENTATION.

(a) Minimum monumentation standards.

(1) At all angle points, points of curve, and points of tangency on the perimeter of the platted boundary, a minimum three inch metallic cap disc must be affixed to a metal pipe or rod and stamped with the addition name and the registered professional land surveyor number of the surveyor of record, or the name of the surveying company.

(2) At all block corners, a minimum two inch metallic cap must be affixed to a metal pipe or rod. The cap must be stamped with the block number and registered professional land surveyor number of the surveyor of record, or the name of the surveying company.

(3) At all lot corners, points of curve, and points of tangency of curves, a minimum 1/2-inch diameter metal pipe or rod is required with a cap stamped with the registered professional land surveyor number of the surveyor of record, or the name of the surveying company.

(4) All monuments installed must contain a cap or disc imprinted with the addition name, if required, and the registration number of the surveyor

SEC. 51A-8.618. TRAFFIC BARRIERS.

(a) When required. For all property being platted with identifiable single family, duplex, or townhouse components that front on both an arterial and a public or private street or alley, traffic barriers must be constructed that separate the property from the arterial. See Section 51A-8.507(b)(6) for alley requirements.

(b) Easement. The owner must dedicate an exclusive barrier easement along the lots or alleys perimeter to the thoroughfare depending on who will maintain the barrier. Barrier easements must have a minimum width of three feet. If a screening wall serves as a traffic barrier, maintenance of the wall is the responsibility of each individual owner abutting the easement or the homeowners' association.

(c) Design. The design and construction of traffic barriers must be approved by the director. If concrete is used for traffic barriers, it must be reinforced and have a minimum compressive strength of 3000 pounds per square inch at 28 days test. The traffic barrier must be at least 24 inches in height. All traffic barriers must be maintained by the property owner or a homeowners association.

(d) Timing of construction. All traffic barriers required by this article must be constructed concurrently with the adjoining street or, if the thoroughfare is already constructed or is not to be constructed with the subdivision infrastructure, before the issuance of a certificate of occupancy or utility connection for any structure within the boundaries of the plat.

(e) Acceptance of construction. All traffic barriers must be constructed under a private development contract in accordance with Section 51A-8.612. If a screening wall serves as a traffic barrier, it must be designed by an engineer and approved by the director.

(f) Maintenance and repair. Each adjacent property owner is responsible for simple routine maintenance and cleaning of all barriers to which his property is adjacent. The city of Dallas is responsible for any major maintenance and repair work necessary for the traffic barrier if the city has accepted it for maintenance. Any other type of traffic barriers is the responsibility of the homeowners' association or the owner. (Ord. Nos. 20092; 21186; 23384; 25047; 28073)

SEC. 51A-8.619. SCREENING WALLS.

If the screening wall serves as a traffic barrier, it must meet the standards of Section 51A-8.618. (Ord. Nos. 20092; 23384)

SEC. 51A-8.620. RETAINING WALLS.

~~— All retaining walls located on private property along public rights-of-way or easements must be constructed of reinforced concrete or other materials determined to be sufficiently durable by the director. Retaining wall design must be approved by the director of public works to ensure site conditions are adequately addressed by the design. Engineer certification and building permits may be required by other applicable regulations.—~~

All retaining walls located on private property along public rights-of-way or easements must be constructed of reinforced concrete or other materials determined to be sufficiently durable by the director. Retaining wall design must be approved by the director of transportation and public works to ensure site conditions are adequately addressed by the design. Engineer certification and building permits may be required by other applicable regulations. (Ord. Nos. 23384; 25047; 28073; 28424; 30239; 30654; 32864)

Division 51A-8.700. Administration.

SEC. 51A-8.701. NOTHING DEEMED SUBMITTED UNTIL FEES PAID.

Whenever a requirement exists for the submission of plans and a fee exists for the processing of the plans, no submission is complete until all required fees have been paid. (Ord. Nos. 20092; 23384)

SEC. 51A-8.702. EARLY RELEASE OF BUILDING OR FOUNDATION PERMIT.

(a) Generally. No building or foundation permit may be issued before the completion and filing for record of a final plat except in accordance with this section. The recipient of an early release permit bears the entire risk that improvements may need to be modified or removed based on engineering plan review or final plat disapproval. No certificate of occupancy shall be issued until the final plat is properly filed for record as required by this article and state law, and all conditions of preliminary plat approval and all other applicable rules and regulations have been satisfied.

(b) Application. An application for an early release must be submitted to the building official. The building official shall review the application and determine whether an early release is appropriate. If the building official recommends the early release, a building or foundation permit may be issued. The application for early release must include:

- (1) the number of copies required for circulation and review;
- (2) a copy of the approved preliminary plat;
- (3) the file number assigned to the plat application by the city;

(4) a copy of the action letter from the subdivision administrator outlining the conditions of preliminary plat approval;

(5) all requisites for building or foundation permit applications, whichever apply; and

(6) a site plan showing the following:

(A) Boundary lines of the property.

(B) Existing streets.

(C) Pavement widths and surface compositions for existing and proposed driveways, sidewalks, and areas intended for vehicular travel.

(D) Improvements existing on the property, and all proposed improvements.

(E) All dedications required by the preliminary plat.

~~—(c) Fee. The fee for early release of a building or foundation permit is \$300.~~

(c) Fee. Refer to Section 303.13.4 of Chapter 52 of the Dallas City Code.

(d) Requirements for approval. No early release may be authorized until:

(1) clearance has been received from all affected departments;

(2) the commission or the subdivision administrator has approved a preliminary or final plat subject to conditions in accordance with this article.

(3) all submitted plans conform to all applicable city ordinances, requirements, and conditions of plat approval, and compliance can otherwise be enforced;

(4) all affected departments have determined the basic requirements necessary for final approval;

(5) the proposed building site has adequate all-weather access through public or private right-of-way;

(6) adequate storm drainage outfall exists to safely discharge on-site drainage of a one-percent annual chance flood;

(7) adequate assurance has been received that off-site easements necessary for infrastructure to serve the plat have been secured;

(8) the proposed site has adequate water facilities for emergency fire service;

(9) infrastructure plans for the proposed plat have been submitted to the department and are in general conformance with city standards;

(10) if required by the director, private development contracts and bonds have been submitted;

(11) the application complies with all applicable laws;

(12) the only requirement preventing the building or foundation permit from being issued is the completion and filing for record of the plat;

(13) the building or foundation permit clearly states that no certificate of occupancy will be issued for the property or, for residential applications, no final inspection will be made until all platting requirements have been met;

(14) the owner acknowledges in writing concurrence with the conditions under which the permit is issued; and

(15) the fee required by Subsection (c) is paid to the building official. (Ord. Nos. 20092; 21431; 23384; 25047; 26529; 28073; 31314; 31394; 32676)

SEC. 51A-8.703. CIRCUMVENTION OF REGULATIONS PROHIBITED.

(a) Recording of plat. All plats must be signed by the property owners and filed and recorded with the county clerk of the county in which the property is located in accordance with the requirements of state law. No person may file or cause to be filed for record with the county clerk a proposed plat before the final plat of the property has been endorsed by the commission chair or the subdivision administrator in accordance with this article.

(b) Building permit. No building permit may be issued for the construction of any building or structure located on a tract that was not created in accordance with this article, except that building permits may be issued for:

(1) remodeling or repair of existing structures on such a tract; and

(2) infrastructure construction.

(c) No public or private improvements. No construction of any public or private improvements may be commenced or continued except in conformity with this article.

(d) Certificates of occupancy. No certificate of occupancy may be issued and no final inspection for residential property may be made for property which was not developed in strict compliance with this article, or for property upon which all conditions of plat approval have not been met. The fact that a building permit was issued for the property does not excuse compliance with all regulations, and a certificate of occupancy may be denied if a building permit is issued in error. (Ord. Nos. 20092; 23384; 26529)

(f) Guidelines.

(1) A street name may be based upon physical, political, or historic features of the area.

(2) The name of a subdivision and names thematically related to the name of a subdivision may be given to a street within the subdivision.

(g) Waiver. The city council, by a three-fourths vote of its members, may waive any of the standards contained in this section when waiver would be in the public interest and would not impair the public health, safety, or welfare. (Ord. Nos. 19832; 23407)

SEC. 51A-9.305. REVIEW OF APPLICATION.

(a) Within 10 working days after receipt of a complete application for a street name change, the subdivision administrator shall request comment regarding the potential impacts of the name change on the operations of the following departments and other affected entities:

- ~~(1) Department of transportation.~~
- ~~(2) Department of public works.~~
- (1) Department of transportation and public works.
- (2) Office of budget and management services.
- (3) Fire-rescue department.
- (4) Department of development services.
- (5) Police department.
- (6) Water utilities department.
- (7) Department of sanitation services.
- (8) Department of code compliance.

(9) Contiguous municipalities if any property abutting the street is within the contiguous municipality.

(10) Dallas County Historical Commission.

(11) TXU Electric, or its successor.

(12) TXU Gas, or its successor.

(13) Southwestern Bell Telephone Company, or its successor.

(14) U.S. Postal Service.

(b) The subdivision administrator shall formulate a recommendation on the proposed street name change based upon his own review of the application, the standards in Section 51A-9.304, and the comments received from those listed in Subsection (a). The subdivision administrator shall set a date for review of the application before the subdivision review committee of the city plan commission.

(c) Notice of the public hearing before the subdivision review committee must be advertised in the official newspaper of the city no fewer than 15 days before the date of the hearing. The subdivision administrator must also send written notice of the public hearing to abutting property owners as ownership appears on the last approved ad valorem tax roll no fewer than 15 days before the date of the hearing. Notification signs must be posted along the street for no fewer than 15 days before the date of the hearing.

(d) The subdivision review committee shall formulate a recommendation based upon their review of the application, the standards contained in Section 51A-9.304, and the recommendation of the subdivision administrator. (Ord. Nos. 19832; 22026; 23694; 24410; 24843; 25047; 27204; 28073; 28424; 30239; 30654; 31658; 32002; 32864)

SEC. 51A-9.505. NOTIFICATION OF CEREMONIAL STREET NAMING.

If the request for a ceremonial street naming is approved by the city council, the subdivision administrator shall send written notice of the city council's action to abutting property owners. (Ord. 31040)

SEC. 51A-9.506. EFFECTIVE DATE OF CEREMONIAL STREET NAME AND END DATE.

Providing that all required fees have been paid by the applicant, a ceremonial street name approved by the city council takes effect 60 days after the date of its approval unless city council sets a later effective date. The ceremonial street name ends 10 years after the effective date. (Ord. 31040)

SEC. 51A-9.507. INSTALLATION AND REPLACEMENT.

~~—(a) Installation. The director of the transportation department is responsible for the fabrication and installation of the ceremonial street name toppers.~~

(a) Installation. The director of the transportation and public works department is responsible for the fabrication and installation of the ceremonial street name toppers.

(b) Removal. The department is not responsible for replacing ceremonial street naming toppers due to vandalism, theft, and normal wear and tear. The department may remove any ceremonial street name topper that has become unsightly without replacing it. (Ord. Nos. 31040; 32864)

Division 51A-9.600. First Responder Street Topper.

SEC. 51A-9.601. PURPOSE.

The purpose of this division is to commemorate City of Dallas first responders who have paid the ultimate sacrifice and died in the line of duty. (Ord. 32821)

SEC. 51A-9.602. DEFINITIONS.

In this division,

(1) **FIREFIGHTER** has the meaning given that term in Chapter 614 of the Texas Government Code, as amended.

(2) **FIRST RESPONDER** means a peace officer or firefighter employed by the City of Dallas.

(3) **LINE OF DUTY** has the meaning given that term in Section 615.021 of the Texas Government Code, as amended.

(4) **PEACE OFFICER** has the meaning given that term in Section 2.12 of the Texas Code of Criminal Procedure, as amended. (Ord. 32821)

SEC. 51A-9.603. GENERAL PROVISIONS.

(a) Only public streets may be granted first responder street toppers by the process contained in this division.

(b) A first responder street topper application may be initiated when a peace officer or a firefighter:

(1) died in the line of duty; and

(2) was employed at the time by the City of Dallas.

protected tree removed or seriously injured without authorization, and not less than \$2,000.00 per day for any other violation of this division. (Ord. Nos. 22053; 25155; 30929)

SEC. 51A-10.140. CRIMINAL RESPONSIBILITY, AND DEFENSES TO PROSECUTION.

(a) A person is criminally responsible for a violation of this division if the person:

(1) removes or seriously injures, or assists in the removal or serious injury of, a protected tree without complying with the requirements of this division; or

(2) owns part or all of the land where the violation occurs.

(b) It is a defense to prosecution under this section that the act is included in one of the enumerated categories listed in this section. A tree removal application or tree replacement is not required if the tree:

(1) was dead and the death was not caused by an intentional or negligent act of the owner or an agent of the owner;

(2) had a disease or injury that threatened the life of the tree and was not caused by an intentional act of the owner or an agent of the owner;

(3) was in danger of falling or had partially fallen and the danger or the fall was not due to an intentional act of the owner or an agent of the owner;

(4) was in a visibility triangle (unless the owner was legally required to maintain the tree there) or obstructed a traffic sign;

(5) interfered with service provided by a public utility within a public right-of-way;

(6) threatened public health or safety, as determined by one of the following city officials:

(A) the chief of the police department;

(B) the chief of the fire-rescue department;

~~(C) the director of public works;~~

~~(D) the director of transportation;~~

(C) the director of transportation and public works;

(D) the director of sanitation services;

(E) the director of code compliance;

(F) the director of park and recreation;

(G) the director of development services; or

(H) the director of aviation.

(7) was designated for removal without replacement in a landscape plan approved by the city council, city plan commission, or board of adjustment;

(8) interfered with construction or maintenance of a public utility or public right-of-way;

(9) was removed or seriously injured to allow construction, including the operation of construction equipment in a normal manner, in accordance with infrastructure engineering plans approved under Article V of Chapter 49 or street paving and grading in a public right-of-way, storm drainage easement, detention or retention pond designation, or bridge construction, for private development; or

(10) was specifically listed as a vulnerable or threatened tree species. or species subject to quarantine, as determined by the Texas Department of Agriculture, and was in imminent threat of infestation. (Ord. Nos. 22053; 23694; 25047; 25155; 28073; 28424; 30239; 30654; 30929; 32002; 32340; 32864)

Division II. Gas Drilling.

SEC. 51A-12.201. SEISMIC SURVEY PERMIT.

(a) In general.

(1) No person shall participate in site preparation or any other seismic survey activities without first obtaining a seismic survey permit issued by the city in accordance with this division.

(2) Seismic surveys may only be conducted with low-impact vibrator systems designed for urban operations. Explosive charges, including dynamite, may not be used in preparing for or conducting a seismic survey.

(3) Seismic surveying is limited to the hours of 8:00 am to 5:00 pm, Monday through Friday, excluding city holidays.

(4) Seismic survey activities must be conducted in accordance with all applicable federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

~~(5) Seismic survey activities within public rights-of-way must be conducted in accordance with a traffic control plan approved by the director of the department of transportation.~~

(5) Seismic survey activities within public rights-of-way must be conducted in accordance with a traffic control plan approved by the director of the department of transportation and public works.

(b) Seismic survey permit. A seismic survey permit application must be in writing, signed by the operator or applicant, and submitted to the gas inspector. The operator or applicant shall provide the following information on a form furnished by the city:

- (1) the date the operator or applicant submitted the application;
- (2) the operator or applicant's name, address, telephone number, and email address;
- (3) the location of the seismic survey;

(4) the date and time the seismic survey will be conducted;

(5) a detailed explanation of the seismic survey methods to be used;

(6) a detailed map of the area being surveyed and the location of all vibration and geophone points;

(7) the date and time the seismic survey will be completed; and

(8) for city property and public rights-of-ways:

(A) an executed access agreement for the use of the specific public rights-of-way or city property; and

(B) a current certificate of insurance for the coverage specified in the access agreement.

(c) Review of permit applications.

(1) The gas inspector shall return incomplete applications to the operator or applicant with a written explanation of the deficiencies.

(2) The gas inspector shall determine whether the seismic survey permit should be issued, issued with conditions, or denied within 45 days after receiving a complete seismic survey permit application. If the gas inspector fails to make this determination within this specified time, the seismic survey permit is deemed denied.

(3) The gas inspector shall issue a seismic survey permit if the application meets the requirements of this division. If the application does not meet the requirements of this division, the gas inspector shall either deny the application or issue the seismic survey permit subject to written conditions if compliance with the conditions eliminates the reasons for denial. If the gas inspector denies a seismic survey permit, the gas inspector shall provide the applicant with a written explanation of the reasons for denial within 30 days.

(d) Appeal.

(1) If the gas inspector denies a seismic survey permit, the gas inspector shall send the applicant, by certified mail, return receipt requested, written notice of the decision and the right to appeal.

(2) The applicant has the right to appeal to the permit and license appeal board in accordance with Article IX of Chapter 2 of the Dallas City Code.

(e) Notice. At least 72 hours before commencing geophysical operations (laying out of geophones), the operator or applicant shall provide written notice via United States mail, or other methods of delivery to each tenant, property owner, and resident within the area to be seismically surveyed. The written notice must include:

(1) general information about the seismic operations to be conducted;

(2) an overview of the seismographic survey process; and

(3) a hotline number to call with questions or complaints related to the seismic survey activities. The hotline number must be adequately staffed with trained personnel during normal working hours. (Ord. Nos. 29228; 32864)

SEC. 51A-12.202. GAS WELL PERMIT.

(a) In general.

(1) No person shall participate in site preparation, drilling, reworking, fracturing, operation, production, or any other related activity without first obtaining a gas well permit issued by the city in accordance with this article. Each well on an operation site must obtain a separate gas well permit.

(2) A gas well permit is required, in addition to any permit, license, or agreement required under this article, other city ordinances, or state or federal law.

(3) A gas well permit application may not be approved until an SUP is approved. Denial of an SUP is grounds for automatic denial of all related gas well permit applications.

(4) A gas well permit automatically terminates if the operator does not begin drilling within 180 days after the gas inspector issues the gas well permit. The gas inspector may extend the time for an additional 180 day period upon request by the operator and proof that the conditions on the operation site have not substantially changed. Only one extension is permitted.

(5) An existing gas well permit does not authorize reworking of an abandoned well. A new gas well permit is required to rework an abandoned well.

(6) A gas well permit automatically terminates after the well authorized by the gas well permit is abandoned pursuant to this article.

(7) The operator shall complete all drilling activities on the operation site within five years from the date the first gas well permit was issued.

(A) The operator may apply for a one-time, two-year extension from the gas inspector. The request for an extension must be made to the gas inspector in writing at least six months before the fifth year from the date the first gas well permit was issued.

(B) The gas inspector must approve or deny the extension within 45 days after receiving the extension request. The gas inspector must approve the extension if the drilling activities will not adversely impact the neighboring properties or if additional measures required eliminate the reasons for denial.

(C) If the gas inspector denies the request for a one-time, two-year extension, he must provide the operator with a written explanation of the reasons for denial within 30 days.

(D) As a condition of approval of the extension, the gas inspector may require additional measures, as necessary, to minimize the impact of the

bond or an irrevocable letter of credit approved as to form by the city attorney.

(1) A bonding or insurance company authorized to do business in Texas and acceptable to the city must issue the performance bond. A bank authorized to do business in Texas and acceptable to the city must issue the irrevocable letter of credit.

(2) The performance bond or irrevocable letter of credit must list the operator as principal and be payable to the city.

(3) The performance bond or irrevocable letter of credit must remain in effect for at least six months after the gas inspector approves the abandonment of the well.

(4) Except as otherwise provided, the amount of the performance bond or irrevocable letter of credit must be at least \$50,000 per well.

(A) After a well is completed, the operator may request that the gas inspector reduce the existing performance bond or irrevocable letter of credit to \$10,000 per well for the remainder of the time the well produces without reworking. The gas inspector shall reduce the existing performance bond or irrevocable letter of credit if the operator has fully complied with the provisions of this article and the conditions of the SUP, and the gas inspector determines that a \$10,000 performance bond or irrevocable letter of credit is sufficient.

(B) If the gas inspector determines the operator's performance bond or irrevocable letter of credit is insufficient, the gas inspector may require the operator to increase the amount of the performance bond or irrevocable letter of credit to a maximum of \$250,000 per well.

(5) Cancellation of the performance bond or irrevocable letter of credit does not release the operator from the obligation to meet all requirements of this article, the gas well permit, and the SUP. If the performance bond or irrevocable letter of credit is cancelled, the gas well permit shall be suspended on

the date of cancellation and the operator shall immediately cease operations until the operator provides the gas inspector with a replacement performance bond or irrevocable letter of credit that meets the requirements of this article.

(6) The city may draw against the performance bond or irrevocable letter of credit or pursue any other available remedy to recover damages, fees, fines, or penalties due from the operator for violation of any provision of this article, the SUP, or the gas well permit. The performance bond or irrevocable letter of credit may also be used to mitigate public losses (i.e. damage to infrastructure, loss of sales tax, etc.) related to the loss of control of a well.

(h) Road repair security instrument. Before issuance of a gas well permit, the operator shall give the gas inspector a road repair performance bond or an irrevocable letter of credit approved as to form by the city attorney. The road repair security instrument is in addition to the performance bond or irrevocable letter of credit required by Section 51A-12.203(g).

(1) A bonding or insurance company authorized to do business in Texas and acceptable to the city must issue the performance bond. A bank authorized to do business in Texas and acceptable to the city must issue the irrevocable letter of credit.

(2) The performance bond or irrevocable letter of credit must list the operator as principal and be payable to the city.

~~_____ (3) The performance bond or irrevocable letter of credit must remain in effect for at least six months after the department of public works completes the final inspection of the right-of-way.~~

~~_____ (4) The department of public works shall determine the amount of the performance bond or irrevocable letter of credit based upon, among other factors, the estimated cost to the city of restoring the right-of-way.~~

(3) The performance bond or irrevocable letter of credit must remain in effect for at least six months after the department of transportation and public works completes the final inspection of the right-of-way.

(4) The department of transportation and public works shall determine the amount of the

performance bond or irrevocable letter of credit based upon, among other factors, the estimated cost to the city of restoring the right-of-way.

(5) Cancellation of the performance bond or irrevocable letter of credit does not release the

operator from the obligation to meet all requirements of this article, the gas well permit, and the SUP. If the performance bond or irrevocable letter of credit is cancelled, the gas well permit shall be suspended on the date of cancellation and the operator shall immediately cease operations until the operator provides the gas inspector with a replacement performance bond or irrevocable letter of credit that meets the requirements of this article.

(6) The city may draw against the performance bond or irrevocable letter of credit or pursue any other available remedy to recover damages, fees, fines, or penalties related to the damage of the right-of-way covered by Section 51A-12.204(p).

(i) Well plugging bond. Before issuance of a gas well permit, the operator shall give the gas inspector a well plugging bond.

(1) A bonding or insurance company authorized to do business in Texas and acceptable to the city must issue the well plugging bond.

(2) The well plugging bond must list the operator as principal and be payable to the city.

(3) The well plugging bond must remain in effect for at least six months after the gas inspector approves the abandonment of the well.

(4) Except as otherwise provided in this subsection, the amount of the well plugging bond must be at least \$50,000 per well.

(5) Cancellation of the well plugging bond does not release the operator from the obligation to meet all requirements of this article, the gas well permit, and the SUP. If the well plugging bond is cancelled, the gas well permit shall be suspended on the date of cancellation and the operator shall immediately cease operations until the operator provides the gas inspector with a replacement well plugging bond that meets the requirements of this subsection.

(6) The city may draw against the well plugging bond or pursue any other available remedy to recover damages, fees, fines, or penalties due from the operator for violation of any provision of this article, the SUP, or the gas well permit. The well plugging bond may also be used to mitigate public losses (i.e. damage to infrastructure, loss of sales tax, etc.) related to the loss of control of a well. (Ord. Nos. 26920; 28424; 29228; 30239; 30654; 32864)

SEC. 51A-12.204. OPERATIONS.

(a) In general.

(1) Operations must be conducted in accordance with the practices of a reasonable and prudent gas drilling operation in the State of Texas.

(2) The layout of an operation site must comply with the site plan attached to the gas well permit and the SUP.

(3) No refining, except for gas dehydrating and physical phase separation, may occur on the operation site.

(4) Only freshwater-based mud systems are permitted.

(5) No person may add any type of metal additive into drilling fluids.

(6) Salt-water or produced-water disposal wells, also known as injection wells, are prohibited.

(7) Unless otherwise directed by the Texas Railroad Commission, the operator shall remove waste materials from the operation site and transport them to an off-site disposal or recycling facility at least once every 30 days.

(8) No air, gas, or pneumatic drilling is permitted.

(ii) Additional methods of noise mitigation must be approved by the gas inspector.

(iii) All soundproofing must comply with accepted industry standards and is subject to approval by the fire marshal.

(n) Periodic updates and reports.

(1) Required updates.

(A) Except as otherwise provided in this division, other city ordinances, or an SUP, the operator shall notify the gas inspector in writing of any changes to the following information within seven days after the changes are made:

(i) the name, address, or phone number of the operator; and

(ii) the name, address, or phone number of the person designated to receive notices from the city.

(B) Except as otherwise provided in this division, other city ordinances, or an SUP, the operator shall notify the gas inspector in writing within one business day of any changes to the name, address, or 24-hour phone number of the person with supervisory authority over the gas drilling or production operation site.

(C) Except as otherwise provided in this division, other city ordinances, or an SUP, if the conditions on the operator site or the operations of the gas drilling and product use change or any other updates or changes are made that are not reflected on a required plan, the operator shall provide an update to each affected plan to the gas inspector within 30 days of the change.

(D) The operator shall submit a yearly written report to the gas inspector identifying any other changes to the information provided in the gas well permit application not previously reported to the city.

(E) The operator shall notify the gas inspector in writing that a well has been completed within 72 hours after completion.

(2) Reports.

(A) The operator shall give the gas inspector a copy of any complaint submitted to the Texas Railroad Commission within 30 days after the operator receives notice of the complaint.

(B) On a monthly basis, the operator shall give the gas inspector a copy of any new or amended permits, disclosures, and reports required by the Texas Railroad Commission and Texas Commission on Environmental Quality.

(o) Reworking.

(1) At least 10 days before reworking begins, the operator shall send written notice to the gas inspector of the operator's intent to rework a well. The notice must identify the well, describe the activities involved in the reworking, and estimate the duration of the activities.

(2) The operator shall pay the reworking fee before the operator begins reworking the well.

(3) If a well is already abandoned, a new gas well permit is required to rework.

(p) Rights-of-way. For purposes of this subsection, rights-of-way means those rights-of-way located along the truck routes shown on the operator's approved transportation plan and incorporated by reference into the gas well permit.

(1) Periodic inspections. The operator shall periodically inspect the rights-of-way to determine if damage has occurred.

~~(2) City notifying operator. If the department of public works determines that the rights-of-way have been damaged, the gas inspector shall notify the operator in writing of the damage.~~

(2) City notifying operator. If the department of transportation and public works determines that the rights-of-way have been damaged, the gas inspector shall notify the operator in writing of the damage.

~~————— (3) Repairs. The operator shall repair the damage to the rights-of-way within 10 days after discovering or receiving notice of the damage. Repairs must be made in accordance with the current standards of the department of public works. At least two days before making the repairs, the operator shall notify the department of public works of the operator's intent to begin repairs. The operator shall have all necessary permits before repairing the rights-of-way.~~

(3) Repairs. The operator shall repair the damage to the rights-of-way within 10 days after discovering or receiving notice of the damage. Repairs must be made in accordance with the current standards of the department of transportation and public works. At least two days before making the repairs, the operator shall notify the department of transportation and public works of the operator's intent to begin repairs. The operator shall have all necessary permits before repairing the rights-of-way.

(4) City making repairs and invoicing operator.

~~————— (A) If the operator fails to make repairs within 10 days after discovering or receiving notice of the damage, the director of public works may make the necessary repairs and invoice the operator. The operator shall pay the amount due within 30 days after the invoice date.~~

~~————— (B) If the director of public works determines that the damages to the rights-of-way affect the immediate health and safety of the public, the director of public works may make the repairs without first requesting that the operator make the repairs. The director of public works shall invoice and the operator shall pay the amount due within 30 days after the invoice date.~~

~~————— (C) If required by state law, the director of public works shall employ a competitive bidding process before making the repairs to the rights-of-way.~~

~~————— (5) Final inspection. After the gas inspector approves the abandonment and restoration of the operation site, the operator shall notify the director of public works and request an inspection of the rights-of-way. After inspection, the director of public works shall notify the operator of any needed repairs. Repairs must be made in accordance with this article.~~

(A) If the operator fails to make repairs within 10 days after discovering or receiving notice of the damage, the director of transportation and public

works may make the necessary repairs and invoice the operator. The operator shall pay the amount due within 30 days after the invoice date.

(B) If the director of transportation and public works determines that the damages to the rights-of-way affect the immediate health and safety of the public, the director of transportation and public works may make the repairs without first requesting that the operator make the repairs. The director of transportation and public works shall invoice and the operator shall pay the amount due within 30 days after the invoice date.

(C) If required by state law, the director of transportation and public works shall employ a competitive bidding process before making the repairs to the rights-of-way.

(5) Final inspection. After the gas inspector approves the abandonment and restoration of the operation site, the operator shall notify the director of transportation and public works and request an inspection of the rights-of-way. After inspection, the director of transportation and public works shall notify the operator of any needed repairs. Repairs must be made in accordance with this article.

(q) Security.

(1) Personnel.

(A) During drilling, fracturing, or reworking of a well, at least one person designated by the operator must be on the operation site at all times to oversee the activities and monitor safety.

(B) An operator shall provide an off-duty certified peace officer to direct traffic at the entrance to the operation site when high truck traffic is accessing the site, including during the construction of the operation site and fresh-water fracture pond, drilling, fracturing, flowback, and any reworking activities that requires a rig. The off-duty certified peace officer must ensure that all traffic entering and exiting the operation site is using the approved transportation route. A written record must be maintained of any violators and must be available on-site for inspection by the gas inspector.

(2) Security system. Within 10 days of completion of the temporary perimeter fencing, the operator shall install a fully operational security

(D) The operator is responsible for the cost and fees associated with pre-drilling and post-drilling soil sampling collection and analysis.

(2) Baseline.

(A) The licensed third-party contractor retained by the city must collect and analyze a minimum of five soil samples at locations across the operation site with at least two samples at or adjacent to any proposed equipment to be used on the operation site and analyzed in accordance with this subsection.

(B) If permission to access private property and conduct the baseline study is granted, a minimum of five soil samples must be collected at locations across each property located within 2,000 feet of the boundary of the operation site and analyzed in accordance with this subsection. If permission to access private property and conduct the baseline study is not granted, a baseline study of soil conditions is not required for that property.

(C) The soil sample baseline study analyses must include:

- (i) a description of the point samples and GPS coordinates of each location;
- (ii) planned equipment above the sampled area, if applicable;
- (iii) methodology of sample collection;
- (iv) description of field condition;
- (v) summary of laboratory data results compared to the minimum acceptable soil sampling criteria;
- (vi) copies of all laboratory data sheets;
- (vii) drawings of sample points; and

(viii) analysis of the following: TPH, VOCs, SVOCs, chloride, barium, chromium, and ethylene glycol.

(3) Post-drilling.

(A) After the drilling of each well, the licensed third-party contractor retained by the city must collect and analyze soil samples across the operation site and analyzed in accordance with this subsection.

(B) Additionally, the city, using its licensed third-party contractor, may conduct soil sampling during inspections to document soil quality at the operation site.

(4) Abandonment. When the operation site is abandoned in accordance with the Texas Railroad Commission requirements and Section 51A-12.205 and after the equipment for that well is removed from the operation site, the operator shall collect soil samples of the abandoned operation site to document that the final conditions are within regulatory requirements.

(5) Remediation. If prohibited amounts of a hazardous substance are found at the operation site, the operator shall remediate the location within 30 days. After the operator remediates the operation site, the city, using its licensed third-party contractor, must collect and analyze soil samples at locations on the operation site as are necessary to determine compliance.

(u) Storage and vehicle parking. The only items that may be stored and vehicles that may be parked on the operation site are those that are necessary to the everyday operation of the well and do not constitute a fire hazard. The fire department shall determine what constitutes a fire hazard.

(v) Vector control. The operator must comply with the vector control plan approved as part of the gas well permit and all city ordinances, rules, and regulations regarding mosquito larvae within a fresh-water fracturing pond or elsewhere on the operation site. (Ord. Nos. 26920; 28424; 29228; 29557; 30239; 30654; 31314; 32864)

(d) Upon discovering a pipeline emergency or incident, any affected pipeline operator shall, as soon as practical, communicate to the city’s 911 system the following information:

- (1) a general description of the emergency or incident;
- (2) the location of the emergency or incident;
- (3) the name and telephone number of the person reporting the emergency or incident;
- (4) the name of the pipeline operator;
- (5) whether any hazardous material is involved and identification of the hazardous material; and
- (6) any other information as requested by the emergency dispatcher or other official at the time of reporting the emergency or incident.

(e) Each pipeline operator shall equip and maintain a regulated pipeline containing natural gas with hydrogen sulfide in concentrations of more than 100 parts per 1,000,000,000 with an audible alarm system that will provide notice to the general public in the event of a leak. The audible alarm system must be of a type and design approved by the gas inspector.

(f) A pipeline operator shall report to the gas inspector all nonemergency incidents involving well safety or integrity by completing an incident report on a form furnished by the city. Incident reports must be filed by the pipeline operator within 24 hours after discovering the incident. (Ord. 29228)

SEC. 51A-12.305. MARKERS.

(a) The pipeline operator is responsible for maintaining markers in accordance with this section and state and federal laws.

(b) The location of all new or replacement pipe and regulated pipeline must be marked by the pipeline operator or the person installing or operating the regulated pipelines as follows:

(1) Marker signs must be placed at all locations where pipe or regulated pipelines cross property boundary lines and at each side of a public rights-of-way or private street that the regulated pipeline crosses.

~~(2) The top of all marker signs must be a minimum of four feet above ground level; the support post must be sufficient to support the marker sign; and the markers must be painted yellow or another color approved by the director of the department of transportation.~~

(2) The top of all marker signs must be a minimum of four feet above ground level; the support post must be sufficient to support the marker sign; and the markers must be painted yellow or another color approved by the director of the department of transportation and public works.

(3) All marker signs must be a minimum of 12 inches square and must be marked as “gas pipe line.”

(4) All marker signs must contain the name of the pipeline operator and a 24-hour local contact number.

(5) Regulated pipelines must be marked along their entire length with a buried metal wire and metallic flag tape.

(6) All signs must also contain an 811 designation “call before you dig” statement.

(7) The pipeline operator shall annually replace signage that has been lost, damaged, or removed. (Ord. Nos. 29228; 32864)

SEC. 51A-12.306. ONE-CALL SYSTEM.

(a) A pipeline operator shall be a member in good standing with the one-call system or other approved excavation monitoring system as required by state law.

Code Comparative Table - Part I of the Dallas Development Code (Chapter 51)

<u>Ordinance Number</u>	<u>Passage Date</u>	<u>Specified Effective Date</u>	<u>Ordinance Section</u>	<u>51 Section</u>
32441	4-12-23		1	Amends 51-4.212(13)(A)
			2	Amends 51-4.212(13)(F)
			3	Amends 51-4.217(b)(18)
32465	5-24-23		1	Amends 51-4.217(b)(20)(E)(iii)
32482	6-14-23		1	Adds 51-4.216.1(5)
32659	2-14-24		1	Amends 51-4.204(4)
			2	Amends 51-4.204(6)
			3	Amends 51-4.217(b)(10)
			4	Amends 51-4.402
			6	Amends 51-4.403
			7	Amends 51-4.407(a)
			8	Amends 51-4.408(a)(1)
32864	9-18-24		34	Amends 51-2.102(19)
			35	Amends 51-4.206(1)(C)(v)
			36	Amends 51-4.217(b)(8)(E)(i)
			37	Amends 51-4.217(b)(8)(E)(iv)
			38	Amends 51-4.217(b)(20)(E)(iii)
			39	Amends 51-4.803(e)(1)
			40	Amends 51-4.803(f)(2)(A)
32907	10-23-24		1	Adds 51-2.102(91.1)
			2	Adds 51-2.102(91.2)
			3	Adds 51-2.102(121.1)
			4	Amends 51-4.212(2)
			5	Amends 51-4.212(18)(E)(i)
			6	Amends 51-4.217(b)(9)

Code Comparative Table - Dallas Development Code: Ordinance No. 19455, as amended (Chapter 51A)

<u>Ordinance Number</u>	<u>Passage Date</u>	<u>Specified Effective Date</u>	<u>Ordinance Section</u>	<u>51A Section</u>
32659 (Cont'd)			18	Amends 51A-4.113(2)(D)
			19	Amends 51A-4.114(2)(D)
			20	Amends 51A-4.115(2)(D)
			21	Amends 51A-4.116(a)(2)(D)
			22	Amends 51A-4.116(b)(2)(D)
			23	Amends 51A-4.116(c)(2)(D)
			24	Amends 51A-4.116(d)(2)(D)
			25	Amends 51A-4.117(2)(D)
			26	Amends 51A-4.121(a)(2)(D)
			27	Amends 51A-4.121(b)(2)(D)
			28	Amends 51A-4.121(c)(2)(D)
			29	Amends 51A-4.121(d)(2)(D)
			30	Amends 51A-4.122(a)(2)(D)
			31	Amends 51A-4.122(b)(2)(D)
			32	Amends 51A-4.122(c)(2)(D)
			33	Amends 51A-4.123(a)(2)(D)
			34	Amends 51A-4.123(b)(2)(D)
			35	Amends 51A-4.123(c)(2)(D)
			36	Amends 51A-4.123(d)(2)(D)
			37	Amends 51A-4.124(a)(2)(D)
			38	Amends 51A-4.124(b)(2)(D)
			39	Amends 51A-4.125(d)(2)(D)
			40	Amends 51A-4.125(e)(2)(D)
			41	Amends 51A-4.125(f)(2)(D)
			42	Amends 51A-4.126(d)(2)(D)
			43	Amends 51A-4.126(e)(2)(D)
			44	Amends 51A-4.126(f)(2)(D)
			45	Amends 51A-4.127(c)(2)(D)
			46	Amends 51A-4.204(1)
			47	Amends 51A-4.204(3)
			48	Amends 51A-4.217(b)(7.1)
			49	Amends 51A-4.402
			50	Amends 51A-4.403(c)
			51	Amends 51A-4.407(a)
			52	Adds 51A-4.408(a)(1)(E)
			53	Amends 51A-13.306(b)
			54	Amends 51A-13.306(d)(2)(b)
			55	Amends 51A-13.402(a)(2)
32669	2-28-24		1	Deletes 51A-4.501(i)
32676	3-27-24	5-1-24	2	Amends 51A-1.105(b)
			3	Amends 51A-1.105(g)
			4	Amends 51A-1.105(h)

Code Comparative Table - Dallas Development Code: Ordinance No. 19455, as amended (Chapter 51A)

<u>Ordinance Number</u>	<u>Passage Date</u>	<u>Specified Effective Date</u>	<u>Ordinance Section</u>	<u>51A Section</u>
32676 (Cont'd)			5	Amends 51A-1.105(i)
			6	Amends 51A-1.105(k)(3)
			7	Amends 51A-1.105(l)
			8	Amends 51A-1.105(m)
			9	Amends 51A-1.105(n)
			10	Amends 51A-1.105(q)
			11	Amends 51A-1.105(r)
			12	Amends 51A-1.105(s)
			13	Amends 51A-1.105(y)
			14	Amends 51A-8.702(c)
32789	8-14-24		3	Amends 51A-4.303(b)(10)
32817	8-14-24		1	Adds 51A-7.1001(d)
			2	Adds 51A-7.1007.3
32821	8-28-24		1	Adds Ch. 51A, Art. IX, Div. 51A-9.600
32863	9-18-24		37	Amends 51A-1.105(j)(4)
32864	9-18-24		41	Amends 51A-2.102(20)
			42	Amends 51A-4.217(b)(11.1)(E)(iii)
			43	Amends 51A-4.502(e)(6)
			44	Amends 51A-4.908
			45	Amends 51A-4.909(d)
			46	Amends 51A-4.1002(c)
			47	Amends 51A-4.1103(a)(13)
			48	Amends 51A-4.1105(d)(3)
			49	Amends 51A-4.1105(f)(2)
			50	Amends 51A-4.1107(c)(5)(B)
			51	Amends 51A-4.1107(e)(2)(B)
			52	Amends 51A-5.209(a)
			53	Amends 51A-6.108(e)(1)
			54	Amends 51A-7.212(a)(2)
			55	Amends 51A-7.1608(d)(3)
			56	Amends 51A-7.1720(a)(2)
			57	Amends 51A-8.201(33)
			58	Amends 51A-8.507(b)(8)
			59	Amends 51A-8.508(b)
			60	Amends 51A-8.601(b)(8)
			61	Amends 51A-8.607(a)
			62	Amends 51A-8.608
			63	Amends 51A-8.615
			64	Amends 51A-8.620
			65	Amends 51A-9.305(a)
			66	Amends 51A-9.507(a)

Code Comparative Table - Dallas Development Code: Ordinance No. 19455, as amended (Chapter 51A)

<u>Ordinance Number</u>	<u>Passage Date</u>	<u>Specified Effective Date</u>	<u>Ordinance Section</u>	<u>51A Section</u>
32864 (Cont'd)			67	Amends 51A-10.140(b)
			68	Amends 51A-12.201(a)(5)
			69	Amends 51A-12.203(h)
			70	Amends 51A-12.204(p)
			71	Amends 51A-12.305(b)(2)
			72	Amends 51A-13.502(b)(1)
			73	Amends 51A-13.502(c)(2)
			74	Amends 51A-13.502(d)
			75	Amends 51A-13.503(c)(1)(B)
			76	Amends 51A-13.503(d)(1)(b)
32907	10-23-24		7	Adds 51A-2.102(104.1)
			8	Adds 51A-2.102(104.2)
			9	Adds 51A-2.102(139.2)
			10	Amends 51A-4.202(10)(A)
			11	Amends 51A-4.210(b)(3)
			12	Amends 51A-4.210(b)(8.1)(A)
			13	Amends 51A-4.210(b)(9)(E)(i)
			14	Amends 51A-4.210(b)(16.1)(A)
			15	Amends 51A-4.210(b)(30.1)(A)
			16	Amends 51A-4.210(b)(31)
17	Amends 51A-4.217(b)(6)			